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Defoe and Scottish Politics after Union

by

R. Gathorne, B.A. (South Africa).

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INTRODUCTION

It would indeed have been a difficult matter for anybody possessing a taste for self-expression, a facility with words and an insatiable imagination to avoid becoming involved in political controversy in England during the early part of the Eighteenth Century. For one who, in addition, was confident in his ability to solve problems of state of whatever complexity it was clearly an impossibility. Daniel Defoe's close connection with politics during the first years of the Eighteenth Century involved him in numerous hardships. In later years it brought him much less fame than his excursions into fiction; but it was the means of providing him, albeit sparsely at times, with sufficient money to keep his creditors at bay.[1] On more than one occasion the protection he gained helped to rescue him from imprisonment.[2]

Before tracing Defoe's connection with Scottish Politics after the Union it will be worth while to discover the origins of his interest in Scotland. He had been of some service to William III and had been suitably rewarded for such works as The True-Born Englishman.[3] Very soon after the King's death, however, he found himself in dire straits as a result of the publication of his pamphlet The Shortest Way with the Dissenters (1702).[4] In it he had ridiculed the policy of the "High-flying" Tories and thus incurred the grievous displeasure of the Church. No influential support was forthcoming with the result that he was committed to

[1] Hist. MSS. Comm. Portland iv. 444,445,458; Hist. MSS Comm. Portland v. 263-4,266.

[2] Hist. MSS Comm. Portland iv. 76; Hist. MSS Comm. Portland v. 281-4.

[3] Daniel Defoe, History of the Union (1786) pp.iii,iv; E. S. Roscoe, Robert Harley Earl of Oxford. p 51.

[4] Defoe, History p ix; Roscoe, Robert Harley p 47.

prison on the charge of having libelled the Church. His popularity with the mob, considerably heightened by the publication of the Hymn to the Pillory,[5] availed him not at all. In Newgate he had ample leisure to repent of his boldness while he schemed to reach freedom. Fortune came to his aid in the guise of William Paterson. Not a great deal is known about his life and Burton evidently had some difficulty in unearthing well-substantiated evidence.[6] He was apparently born in Dumfriesshire and, in spite of his part in the foundation of the Bank of England[7] of which he was one of the twenty-four directors, lived a comparatively sheltered life. Reputed to be a close friend of the great Scots nationalist Fletcher of Saltoun, he had been deeply involved in the Darien scheme and was to play a worthy part in aiding the passage of the Act of Union. It is not known how Defoe and Paterson came to meet, but it was through Paterson that negotiations proceeded with Robert Harley, then Speaker of the House of Commons. In a letter to Paterson Defoe asserted,

[5] E. S. Roscoe, Robert Harley p 48; Masters of Literature - Defoe, Ed. John Masefield p xv.

[6] J. Hill Burton, The History of Scotland viii, 13-19

[7] Burton remarks: "By a persistent practice the title "Founder of the Bank of England" accompanies Paterson's name. In the sense, however, of a man who has adjusted a scheme, who finds assistants to support him in it, and who finally carries it into effect, he was not the founder of the Bank of England; and it happens that the Bank of England was founded on principles far less secure than his. No doubt he pleaded and worked for the establishment of a bank among his brother merchants .... To his pleadings .... we owe as accurate a definition of a sound bank-note as anyone could frame from the records of a hundred and fifty years of intervening experience. It is a note payable to bearer on demand without indorsement." ibid 16

"Nor is there anything so mean (which I can honestly stoop to do) that I would not submit to, to obtain Her Majesty's favour.

"I cannot but with regret look back on the former discourses we have had concerning things done before now, and you must remember how willingly I always offered you to make my acknowledgements to a certain gentleman whom I always honour for his character among wise men, more than the greatness of his share in the royal favour ..... If you should find room for my name in your conversation .... if, you find him inclined to have compassion for one who offended him only because he did not know him, venture in my name in the humblest terms to ask his pardon ...."[8]

This letter was endorsed by Harley as received from Paterson on 28 May 1703. From Paterson's correspondence it is clear that he had considerable dealings with Harley and Godolphin who consulted him on financial matters.[9] The gap between the receipt of this letter and any positive action by Harley may possibly be ascribed to his rather lax and languid methods.

Whatever the reason Harley approached Godolphin in his efforts to find a means of freeing Defoe. The process was a slow one and it was not until the end of the year that his release came. On 26 September 1703 Godolphin wrote to Harley: "I have found it proper to read some paragraphs of your letter to the Queen. What you propose about Defoe may be done when you will and how you will."[10] This was followed

[8]Defoe to Willaim Paterson, April 1703. Hist. MSS. Comm. Portland iv 61. (The reference to Defoes' having "offended" Harley is accounted for by the following: "... it was Harley who urged on the Treasurer and Nottingham that it was 'absolutely necessary for the security of the Government' to discover the author of the famous tract The Shortest Way with the Dissenters which, by preaching fire and sword as the only remedy, withered by its irony the Tory cause." "Keith Feiling, History of the Tory Party 1640-1714 p 369

[9]Hist. MSS. Comm. Portland iv, 18 etc.

[10]Hist. MSS. Comm. Portland iv 68

on 4 November by: "I have taken care in the matter of Defoe."[11] Shortly afterwards he was released, and there followed a letter of gratitude in which was expressed a determination "to dedicate my life and all possible powers to the interest of so generous and so bountiful benefactors....."[12]

The successful intervention of Harley is comparatively simply explained. As early as 1702 he had written to Godolphin stressing the value of "some discreet writer of the Government's side" in the moulding of public opinion.[13] That Harley fully appreciated the value of such support cannot be doubted even if one is tempted to query the application of the word 'discreet' to Defoe.[14] Nor was his reliance on the gratitude of Defoe to be misplaced in the next ten years. The value of 'information' had not escaped Defoe, who had much to say about it in a paper written between May and August of 1704. Amongst other things he stated that: "Intelligence is the soul of all publick business".[15] It may be inferred from the contents of this paper and the forthright advice offered in it that the two men had very likely exchanged views at length on this subject, for Harley

[11] Godolphin to Harley, ibid 68

[12] Defoe to Harley, 9 Nov. 1703. ibid 68

[13] Roscoe, Robert Harley p 72 (Brit.Mus. Add.MSS, 28055)

[14] Roscoe, Robert Harley pp 111,112. (Here Harley's friendship with Swift and his clever use of this brilliant essayist are outlined); Feiling, History of the Tory Party p 376. "In the hands of 'Robin' or of Wharton we see the whole paraphernalia of modern politics - the press, propaganda and information - fast being elaborated."

[15] Daniel De Foe, An Unpublished Paper, Eng. Hist. Rev. xxii (1907) 135

had become Secretary of State on 18 May 1704,[16] and Defoe explained in detail how his deliverer should strive to make himself "Prime Minister of State" by a judicious use of his powers as Secretary of State.[17] He believed that his post was potentially the most likely to lead to the Premiership, but for this purpose a particular path had to be followed.

Harley must not fall into the error of enriching himself and his family by selfish means and so becoming unpopular. Popularity must be gained with the people by generosity and kindness to friend and foe alike. "A man can never be great that is not popular, especially in England," because of the share the people have in the government of the country. Having warmed to his subject Defoe then proceeded to describe exactly how Harley could gain this enviable popularity. The first step was to convince his "friends" (the supporters of the Revolution) that Harley was not going to his own ruin by his support of Tory policies in King William's reign, for he had opposed that monarch's financial policy and so found himself in disagreement with the Government.[18] His connection with the Occasional Conformity Bill of 1702-1703 seemed to make it clear that he was now prepared to jettison the Dissenters in the hope of gaining political stature. Defoe did not believe these were Harley's real feelings and he considered the friendship of the Dissenters could be regained

[16] ibid 130.

[17] ibid 132-140

[18] Roscoe, Robert Harley, pp. 37-38

by letting it be known that he would always support them and had in fact always done so. Here Defoe himself was to come in, by writing a short paper and circulating it among them. This document was to make it clear that the defeat of the Bill in the Upper House had arisen out of Harley's personal intervention with the Queen in favour of the Dissenters. Even if this was not correct it was close enough to the truth and was bound to be effective.[19]

Having explained how his patron was to regain his popularity Defoe now showed how he was to keep it. He therefore stated what appeared in his opinion to be a cardinal principle: "the political conduct of yourself, between the Scylla and Charybdis of partyes, so as to obtain from them all a general esteem". Whether these were in any case the views of Harley or whether he was influenced by Defoe's arguments cannot be said. His career, however, bears ample testimony to the fact that this was precisely the rule to which Harley adhered most strictly.

Finally, as to gaining supreme power through the office of Secretary, Defoe's advice was very wise. He considered that large Cabinets were monstrous and unwieldy machines. By making proper use of intelligence the Secretary and perhaps the Treasurer could form an "inner cabinet", which would digest all matters of importance and decide on the policy to be followed. They could consult the Queen before the Cabinet and in effect make all important decisions. Defoe believed that the Secretary's office could in this way be made the most important of all. These views are strongly

[19] We find in these remarks on dissent yet another reason for the collaboration of Defoe and Harley. The identity of their religious views was of importance in the smooth working of the partnership.

supported by Mark Thomson in the course of a description of the inherent powers of the three most important political offices at that time - those of the Lord Treasurer and the Secretaries of State for the Northern and Southern Departments.[20] He, however, stresses that in fact the Treasurer probably had the greatest chance of achieving the coveted position of First Minister, because he had no rival, whereas there were at least two Secretaries of State.

One other matter of interest appeared in this paper: "A settl'd intelligence in Scotland, a thing strangely neglected there, is without doubt the principall occasion of the present misunderstandings between the two kingdomes; in the last reign it caus'd the King to have many ill things put upon him, and worse are very likely to follow. I beg to give a longer scheme of thoughts on that head than is proper here, and a method how the Scotts may be brought to reason ......"[21] In 1704 then, Defoe showed some interest in Scotland though he did not go there until 1706.

Another important reason for the successful collaboration between the two men has already appeared. All authorities are agreed that Harley's politics were not extreme.[22] Defoe himself stressed on more than one occasion the views held by Harley.[23] He asserted, in the strongest possible fashion, that he was of an identical opinion - in his History: "I have never loved any parties",[24] and in 1713 in a letter to Oxford when he complained of "the violence and rages of a party".[25] Thomas Bateson, writing in 1900, was contemptuous

[20] Mark A. Thomson, Secretaries of State 1681-1782 pp12,13

[21] Defoe, An Unpublished Paper, 136

[22] Feiling, History of the Tory Party pp 418,419; Roscoe, Robert Harley, p 101; G, M, Trevelyan, England Under Queen Anne, Ramillies and the Union with Scotland, p 17

[23] Defoe to Harley, 16 Dec. 1706. Hist. MSS. Comm. Portland iv, 371 "I know the moderation of your honour's principles..."; Defoe to Harley, 17 July 1710, ibid 550. "I cannot but think that now is the time to find out and improve those blessed mediums of the nation's happiness, which lie between the wild extremes of both parties and which I know you have long wished for."

[24] Defoe, History, p213

[25] History MSS. Comm. Portland v, 305.

about Defoe's sincerity in this respect. Yet even he admitted that "perhaps .. Defoe ... soon persuaded himself that the policy which he urged was that which he really approved of, and believed that he was in fact,as he styled himself, a constant advocate of peace and moderation."[26] Defoe must have had qualms of conscience over the constancy of his support of peace in view of his services to Godolphin 1708-1710,[27] but his association with the Lord Treasurer during these years cannot seriously be held to prejudice the moderation of his views. Nothing that he wrote afterwards branded him as an extremist. Stress has been laid on the identity of views of the two men because it must have made their association easier. Harley had not only obtained the services of one of the greatest 'journalists' of his time, he could also be sure that his agent would confidently, with vigour, and at least with apparent sincerity, support the policy nearest to his heart.

These are sufficient reasons for the collaboration of Harley and Defoe. Whether its basis was one of friendship or business is of little concern, though it is of interest to note Roscoe's contention that the tie was predominantly "pecuniary on the one side and political on the other."[28] Certain it is that Defoe depended during all these years on Harley or Godolphin for his maintenance. Precisely how much money came to him from public funds and how much from Harley himself is shrouded in as much secrecy as most of of theirrelations over the period 1703-1714. There is no doubt, however, that Defoe was paid, even if, as his complaints showed, this happened both irregularly and too seldom.

[26]Thoas Bateson, Defoe and Harley , Eng. Hist. Rev. xv, 241.

[27]Roscoe, Robert Harley, p 61.

[28]Roscoe, Robert Harley, p 53

Time after time Defoe wrote querulously of the weak state of his finances.[29] How much Harley was to blame for this and how much the lax system of the time, is not clear. Bateson believes that Harley deliberately kept Defoe in short supply so that he should never become too independent.[30] It is not surprising that Defoe's money disappeared with such ease, because the business of organizing intelligence and supporting the Government in print must have been a costly one. Besides, he had a family of seven to provide for.[31]

Defoe was first employed by Harley on political work in England.[32] In 1704 he toured the eastern counties, setting out with high hopes: "I firmly believe this journey may be the foundation of such an intelligence as never was in England; if I did not think so, I would be your humble petitioner not to let me go."[33] During the next year he toured the west and a large part of the midlands and north. His work on these tours was to sound the country and establish a system of correspondence with various agents, and the whole was summed up by Defoe in a paper called <u>An Abstract of my Journey with casual Observations on Public Affairs</u>

[29] Hist. MSS. Comm. <u>Portland</u> iv 87-89, 444-445, 453, 458, 581; <u>ibid</u> v 263-264, 266; Payment of salaries and pensions seems to have been notoriously lax at this time. For example, Lord Marchmont complained to his son on 25 Jan 1703: "Of the 300 l. sterling, which rested to me at Martinmas 1701, of my 400 l pension, I could not get a shilling, nor anything at all of the 800 l. of my salary due at Martinmas last ... <u>Marchmont Papers</u> iii, 262. In Dec. 1705 he wrote to Argyle "I cannot think it but strange that now, after three years the 827 l. 15s. 7d. sterling of my salary for serving the Queen as her Chancellor is yet resting to me ..." <u>ibid.</u> 294; According to Addison, George Stepney, British envoy to Austria 1702-6, when he died in 1707 was owed seven thousand pounds by the treasury! 27 Sep. 1707, <u>Works</u> v 363.

[30] Bateson, <u>Defoe and Harley</u>, Eng. Hist. Rev. xv, 241.

[31] Hist. MSS. Comm. <u>Portland</u> iv, 88.

[32] Bateson, <u>Defoe and Harley</u>, Eng. Hist. Rev. xv 243; Roscoe, <u>Robert Harley</u>, p 55.

[33] Defoe to Harley, Hist. MSS. Comm. Portland iv, 106.

which concludes with the statement, "In all parts the greatest hindrance to the forming the people into moderation and union among themselves, next to the Clergy, are the Justices."[34] The thoroughness with which he had done his task probably added strength to his complaint in May 1706 that Harley was allowing his system of intelligence to fall into disrepair by keeping it short of money and helpers.[35]

At a time when the proposed union between England and Scotland was so prominently before the public eye, it was natural that Harley should want reliable agents in Scotland. Defoe's worth had already been proved in England in 1704 and 1705 when he had worked under the pseudonym 'Mr. Goldsmith'.[36] Moreover his domestic difficulties made it desirable that he should move to a safer spot. (For a man who prided himself on a vast knowledge of anything connected with trade and business Defoe seemed to find himself in danger of imprisonment for debt surprisingly often.) On 6 May 1706 he begged for Harley's help "from the immediate fury of five or six unreasonable creditors" and suggested that, as an alternative to direct assistance, he might be drafted out of his creditors' reach.[37] In the same letter he remarked that possibly the provision of an apartment in Whitehall might render him safe. It would appear, however, that before he went to Scotland, the immediate difficulties raised by his indebtedness had been overcome.[38]

The most elaborate precautions were taken to ensure that any connection between Defoe and the Government was not suspected. Once again he travelled under the assumed name of

[34] ibid 272.

[35] ibid. 300

[36] Bateson, Defoe and Harley, Eng. Hist. Rev. xv, 243

[37] Hist. MSS. Comm. Portland iv 301

[38] ibid. 323.

Mr. Alexander Goldsmith.[39] At Newcastle he met the post-master, John Bell, through whom he was to be supplied while in Scotland. Bell remarked that Defoe "is not nice in telling his name" [40], but was apparently favourably impressed with his ingenuity and ability.[41] In Edinburgh Defoe could not conceal the fact that he was an Englishman. Nevertheless he was able to keep his true identity from the Scots by means of various ruses which he mentioned with some self-satisfaction in a letter of 27 January 1707.[42] No doubt he was further constrained to maintain this secrecy by the fact that, if we are to believe him, his life was more than once in danger.[43]

From Defoe's letter to Harley on 13 September 1706 we learn that he was ordered to leave for Scotland suddenly, before he had received full instructions. He entreated Harley to furnish him with all necessary details for fear that the lack of them might prejudice his work and therefore his reputation, as he rather anxiously remarked, in the eyes of "Her Majesty and my Lord Treasurer". But in the same letter he detailed what he felt was his main business in Scotland:

[39]ibid. p. viii.

[40]ibid. 335

[41]ibid. 336

[42]ibid.385. "I have hitherto kept myself unsuspected, have whispered and caused it to be spread that I am fled hither for debt and cannot return ...Now I give out, I am going to write the history of the Union in folio, and have got warrants to search the Registers and Parliament books ... I tell them it will cost me a year's time to write it. Then I treat with the Commission to make them a new version of the Psalms, and that I'll lock myself in the College two years for the performance. By these things I effectually amuse them and I am perfectly unsuspected ..."

[43]Defoe, History. pp 245,246,300.

"1. To inform myself of the measures taking, or parties forming against the Union, and apply myself to prevent them.

2. In conversation and by all reasonable methods to dispose people's minds to the Union.

3. By writing or discourse, to answer any objections, libels, or reflections on the Union, the English, or the Court, relating to the Union.

4. To remove the jealousies and uneasiness of the people about secret designs here against the kirk, etc."[44]

Any doubts as to the extent of his commission must be dispelled by the copy of orders from Harley,[45] which were acknowledged in a letter written on 24 October.[46]

[44]Hist. MSS. Comm. Portland iv. 327

[45]Instructions to Defoe, Sept 1706 ibid. 334. "1. You are to use the utmost caution that it may not be supposed you are employed by any person in England, but that you came there on your own business and out of love for the country.

2. You are to write constantly the true state how you find things, at least once a week, and you need not subscribe any name but direct for me under cover to Mrs Collins at the Posthouse, Middle Temple Gate, London. For variety you may direct under cover to Michael Read, in York Buildings.

3. You may confidently assure those you converse with that the Queen and all those who have credit with her are sincere and hearty for the Union.

4. You must show them this is such an opportunity that being once lost or neglected is not again to be recovered. England never was before in so good a disposition to make such large concessions, or so heartily to unite with Scotland and should their kindness now be slighted ________ " Copy. Incomplete.

[46]Defoe to Harley, ibid. 339.

Some idea of the good work done in the next fifteen months may be gathered from both the letters of Defoe and his History. As always, he was particularly interested in trade, on which he considered himself an authority. Numerous references appear with regard to the help he was able to give the various bodies discussing the Equivalent, excise affairs, drawbacks etc.[47] Apparently the valuable work he had done was recognised by the Commissioner for there appeared the following statement in a letter to Harley on 3 April 1707: "He (the Commissioner) is pleased to say more of my small services here than I have a face to repeat ....."[48] Yet Defoe laboured under a strong sense of grievance that his efforts had not been properly recognised, the man who received public acclamation for much of what had been done being Paterson. Some bitter remarks were allowed to escape. "That gentleman (Mr Paterson) is full of calculates, figures, and unperforming numbers, but I see nothing he has done here, nor does anybody else speak of him but in terms I care not to repeat."[49] His annoyance and jealousy rose to its peak

[47]Defoe, History 213 "I had the honour to be frequently sent for into the several Committees of Parliament which were appointed to State some difficult points relating to equalities, taxes, prohibitions, etc." (corroborated by letters Defoe to Harley, 5 Nov 1706, Hist. MSS. COmm. Portland iv 345); Hist. MSS. Comm. Portland iv, 366; ibid 396; Defoe, History 377,380-381 (Excise - Defoe submitted a scheme for this "and the author had the honour done him to have them accepted -- and they stand in the treaty of Union in his very words.")

[48]Hist. MSS. Comm. Portland iv. 398.

[49]ibid. 359

when a motion was passed in March 1708 recommending Paterson for his work. He complained, perhaps not unreasonably, that the secrecy to which he was bound had put him at a disadvantage, and desired that his part in the successful completion of the Union should not be forgotten.[50]

Apart from his advice and help on trade matters, Defoe (as became a Dissenter with more than a passing interest in religious affairs) did much to help compose the fears of the Church in Scotland.[51] In November 1707, shortly after a brush with Hodges,[52] he was asked by some of the Lords to write an essay on "trade, government and religion."[53] Not much later he went into great detail on the effect of the Coronation and Abjuration Oaths in Scotland. His arguments in favour of the ministers' viewpoints are carefully drafted; they leave no possibility of doubt as to the sincerity of Defoe in his attempts to remove all difficulties. Of the ministers he remarked: "Their request is honest, and if I can have a favourable answer, they will depend much upon it, and it will reconcile a great many to the Union, and they

[50] ibid 396

[51] Bateson in Defoe and Harley 245 speaks of "successful disputes with powerful presbyterian ministers.." and "dangerous journeys among the gloomy Cameronians...."

[52] Defoe to Harley. Hist. MSS. Comm. Portland iv, 356.

[53] ibid 357; Mar to Nairne, 14 Nov, 1706. Earl of Mar and Kellie, p 322 (This letter contains a reference to Defoe - probably in connection with a previous letter from Sir David Nairne (3 Nov. 1706 p 310) on the subject of"Hodges' book" - which is of interest: "I have sent you Defoe's 4th essay. He is still here. I'm not acquainted with him, but he really takes a great deall of pains in this affair....".)

believe I have interest enough in England to lay it before the Queen, and before such great people (they do not guess who) as may be of service to them."[54] Early in March he became embroiled with Mr. Webster on the subject of the National Covenant and Dissenters. His handling of this situation was satisfactory enough to gain for him a "complete victory" and to ingratiate himself further with the moderate members of the clergy.[55] All this evidence is that of Defoe himself. One might be forgiven for imagining that some of it could have been either grossly overstated or untrue, but his presence and the nature of his activities in Scotland in the years after the Union lend strong support to the value of his contributions. William Carstares too, (one of the great Moderators of the Church of Scotland and a true friend of the Union) who corresponded with Defoe,[56] was at pains to explain in a letter to Harley (18 Nov. 1707) that Defoe had been very fair in his Scots dealings and had showed a considerable knowledge of Scottish affairs.[57] Of less importance, and from an unexpected quarter, comes further proof of the value of Defoe's work. Lockhart denounced him as "that vile monster and wretch" in connection

[54] Defoe to Harley, 16 Dec 1706. ibid., 369

[55] ibid., 395; ibid., 404 (Confirms Defoe's good standing with the Clergy. "By the manner of the letter (enclosed) you will see I have obtained the Clergy here every whit as much as I have represented to you...I would gladly have razed out this complement upon me as what no way becomes me to be the messenger of, but I could not send you the letter blotted.")

[56] e.g. Carstares to Defoe, 10 Feb, 1713. Hist.MSS.Comm.Portland x. 288 (A letter discussing the Jacobites and asking Defoe to intervene with Oxford on behalf of brother-in-law, a certain Major Coult); Carstares was one of William III's most trusted advisers yet, in spite of his great influence he retained his integrity and simplicity. J. Hill Burton, History of Scotland vi, 306-309.

[57] Carstares to Harley, ibid., vii, 298

with the subject of addresses - a sufficiently violent attack to indicate that he was regarded as a thorn in the flesh of the anti-unionist party.[58]

When the treaty of Union had been safely passed there arose the question of the future employment of Defoe. The Lord Treasurer made mention of the Customs in Scotland as a possibility,[59] whereupon Harley, in one of his few letters to Defoe, suggested that he apply to Godolphin for a post.[60] By 19 July, however, nothing had been done; Defoe was once again bemoaning the fact that he had apparently been forgotten.[61] Nothing more was heard of this employment project for some years, as the fall of Harley intervened, with the result that, in spite of all the protestations of service appearing in his letters to Harley, in spite of the contents of his letter of 10 February,[62] Defoe transferred his allegiance to Godolphin. Perhaps most surprising, if we do not bear in mind the business arrangement between Defoe and Harley as well as the experiences of 1702-3 which would incline Defoe to an Agag-like care, his patron encouraged him to serve under the Lord Treasurer.[63] In his service he made full use of the Review to support the war policy of the government, as he had used it before and was to use it afterwards to

[58] Lockhart, Memoirs of Scotland, p 229.

[59] Godolphin to Harley, 14 May 1707, Hist.MSS.Comm. Portland iv, 404.

[60] 12 June 1707, ibid, 418.

[61] Defoe to Harley, ibid., 427. Also Defoe to Harley, 21 May 1707 ibid., 411. "I am informed the Custom house is settled for this country, is there no room for an absent servant to be admitted?"

[62] Defoe to Harley ibid., 477. "The reports which fill the mouths of your enemies of your no longer being Secretary of State alarmed me a little I confess .....I desire to be the servant of your worst days......"

[63] Roscoe, Robert Harley, p 61.

support Harley.[64] Until the fall of Godolphin Defoe served him as he had served his former patron and at least part of his time was spent on Scottish affairs.[65]

The next correspondence between Defoe and Harley appears when the latter returned to power as Chancellor of the Exchequer in August 1710 and Lord Treasurer the following year.[66] Possibly the experience of local political trends gained during Defoe's English tours had satisfied him that a man of Harley's principles and abilities could not be long out

[64] Bateson, Defoe and Harley p 241 "His services (to Harley) were perhaps most thoroughly rendered in the Review, a periodical which Defoe had begun in Newgate, and his connexion with which has given him the not very happy title of the founder of English journalism." p246 (with reference to the period 1708-1710) "...the war (had) no stouter champion than the Review." p 247 (After the return to power of Harley) "While, then, Swift was writing against the Whigs, Defoe, at Harley's instigation, strove to reconcile them to the new turn of affairs. The Review declared that men might have been changed but not measures..." p 249-250 (Details the support of the peace policy by the Review.); Roscoe, Robert Harley. p 68 "De Foe .... was able to write and to manage the Review from 17 February 1704 until July 1713." ; Hist. MSS. Comm. Portland iv 302, 396 etc. (Where Defoe makes mention of articles written in the Review on subjects affecting Scotland and the Union.)

[65] Bateson, Defoe and Harley, p 246.; Defoe to Harley, 5 September 1710, Hist. MSS.Comm. Portland iv 584-585 "Enclosed I give you the papers I mentioned formerly about Edinburgh, and the proposal I formerly laid before the late Lord Treasurer....."

[66] Roscoe, Robert Harley. p 98.

of office - hence his protestations on his patron's first fall. Whether that was so or not he wasted no time in ingratiating himself once again. "I cannot but heartily congratulate you on the happy recovery of your honour and trusts in the Government.....It is with a satisfaction that I cannot express that I see you thus established again; and it was always with regret that when you met with ill-treatment I found myself left and obliged by circumstances to continue in the service of your enemies....I shall study to make myself useful, and leave the rest wholly to your goodness."[67] He was able to turn once again to that part of Britain which interested him most;[68] his arrival in Scotland in October 1710 was followed by Queries for Management which indicated the scope of his projected activities:

"1. Whether the general design be not to inform and advise the people of Her Majesty's resolutions as well in these changes of things as any other that shall happen to continue to maintain:-

1. The Union in all its parts.

2. The Church in all its just rights and privileges ....That Her Majesty will protect and defend their Revolution establishment, and take all occasions to protect and encourage their commerce and the improvement of their country.

2. Whether I am not to apply myself on all occasions to calm and make easy the minds of the people here ...

3. In matters of election whether of Commons or Peers ... to forward the interest and choice of such men whose tempers are most moderate and best inclined ....

4. From time to time to give such intelligence of things and persons as may be for her Majesty's service.

5. To settle and continue such correspondence in every part, whether the same be already settled or such as may be proper for an exact intelligence in all parts after this journey may be over."[69]

[67] Defoe to Harley, 12 Aug, 1710, Hist. MSS. Comm. Portland iv 562; also ibid 550.

[68] ibid 581. "I have since I served (you) (as you know) established a general correspondence, and at some charge maintained it by which I have a fixed intelligence (I may say) all over Britain. But especially in the North it grieves me to think of letting it fall, because I cannot fail of rendering it very useful to your service on every occasion; and shall, the next time I have the honour to wait on you, show you the proof of it." ; ibid 593. "Since I waited on you last I have farther enquired into the Scots mission I hinted to you ...."

[69] ibid 616.

There is no definite reference to the date of his return, though a hint that it may have been towards the end of 1710 is contained in a letter of 18 December.[70] Yet another of his visits to Scotland was undertaken in September 1711[71] and lasted until October 1712.[72] (Before this Defoe's failure to get the employment suggested so many years before by Godolphin was once again the subject of a maudlin complaint, because once again, Defoe's financial affairs were in ruinous condition.)[73] Further statements on Scotland appeared at intervals after his 1711-1712 visit, but much of his correspondence was concerned with English affairs, notably his prosecution over the publication of Reasons against the Hanover Succession,[74] and the upset over the Schism Act.[75]

As might have been expected Defoe did not allow himself to become too deeply involved in the ruin of his patron. He made similar protestations to those of 1708,[76] but did not hesitate to transfer his services to Oxford's opponents.[77] Nevertheless he had the courage to publish in October 1714 a remarkable document called The Secret History of the White Staff, which Harley's biographer describes as "a strikingly

[70] Claude Guilot to Harley, ibid 646. (The Introduction to Portland v explains that "Guilot", "Claude Guilot" or "Mr. "Goldsmith" were aliases used by Defoe at this time.)

[71] Hist. MSS. Comm. Portland v 90

[72] ibid 242

[73] Defoe to Harley, 19 June 1711, ibid 13

[74] ibid 278, 281-284.

[75] ibid, 21 May 1714, 444.

[76] Defoe to Oxford, 3 Aug, 1714, ibid 482.

[77] Roscoe, Robert Harley p 70; Bateson, Defoe and Harley 250.

able and effective defence of his patron's conduct."[78] But that was all. Roscoe defends his conduct in this as in the previous instance, by remarking that, with the extinction of Harley as paymaster, Defoe owed no future obligations to him.[79] It is to be hoped that Harley was as little worried by the defection of 1714 as that of 1708. Certainly the evidence amassed by Roscoe, combined with that provided by the letters of Defoe, seems quite strongly in favour of this viewpoint. Harley was not bluffed by the fawning tones of so many of Defoe's letters - any more than we need be.

Defoe's interest in Scotland did not die after 1714. In the early 20's he made a protracted journey through that country - a journey whose conclusions, embodied in Volume II of A Tour through the Whole Island of Great Britain,[80] helped materially to measure the extent of progress in Scotland since the Union. They also bear out an impression overwhelmingly strongly created by all his Scottish work. Even Bateson, otherwise so scathing about Defoe, admits that the worth of his work "is more truly seen in his unwearied attempts to explain and justify the Scottish demands and his anxiety that the English government should make every possible concession to secure union. It was thus a sincere work, a glimpse of the real man, himself aiding the design he approved....."[81] It is this sincerity which makes Defoe's

[78] Roscoe, Robert Harley, p 70
[79] ibid., p 71
[80] 1927 Edition.
[81] Bateson, Defoe and Harley, 245-246

dealings with Scotland so interesting. The Scots were fortunate in having so devoted a champion whose capacity for minute observation and firm grasp of the broader aspects of the situation were made so much more effective by the lucidity of his writing.

CHAPTER I

Difficulties Immediately after Union

Customs, 1 May. From the moment when the Duke of Queensberry opened the last session of the Scottish Parliament (3 October 1706) and the details of the proposed "incorporating union" were made public, fervent opposition broke out on all sides[1] Outside Parliament people were roused to such a pitch of fury that supporters of the Union were stoned in the streets of Edinburgh;[2] riots developed both there, at Glasgow, and at Dumfries; addresses poured in from all over the country; rumours arose of a plot in which Cameronians and Highlanders were to co-operate;[3] and the Presbyterian Church showed itself violently opposed to any move which might leave its establishment

[1]Defoe, History, pp. 255-259, 263, 265 etc.

[2]Mar described the scene graphically; " .. the whole town was in one uproar .. If one stone had been thrown at us there had been five hundred." Hist. MSS.Comm. Mar and Kellie v, 298-299; Norman Gash, Politics in the Age of Peel, pp 48-49 quotes two interesting statements by Scots about mobs at the time of the Great Reform Bill. "He regretted the extension of the franchise" , declared Sir William Rae, M.P. for Bute, "because it was well known that Scotchmen seldom came together in a multitude, without causing bloodshed or at least a riot" " .... Even Cockburn though he remarked at one stage on the impropriety of such reflections in the mouths of the Scottish M.P!s, virtually subscribed to the same view. "The Scotch," he wrote, "are bad mobbers ....They are too serious at it; they never joke; and they throw stones ....An English mob exhausts upon itself, either in blows or fun; a Scotch mob acts because it hates its victims, and contains no corrective of its excesses in its own elements." (Cockburn, Journal, I 17)

[3]Hist. MSS. Comm., Portland iv 372, 374 etc; The Union of 1707. Andrew Lang, A Romantic Plot agaimst the Union, pp 75-92 (This article contains a ddtailed description of the plot.)

at the mercy of the Church of England.[4] In Parliament a fresh election was demanded; men such as the republican nationalist Fletcher of Saltoun, the theatrical Lord Belhaven, the choleric Duke of Athol, the Marquis of Annandale and their unpredictable head, the Duke of Hamilton, put forward all their skill in order to destroy a measure which, as patriotic Scotsmen, they felt was treachery.[5] They were confronted by a consummate tactician in Queensberry; the brilliantly successful though inconsistent Chancellor, the Earl of Seafield;[6] the fire-eating Duke of Argyll; "the greatest of Scottish orators and the most capable of Scottish statesmen, in the opinion of all parties, the Earl of Stair"; and most important of all because of the part they played, the "Squadrone Volante", with at their head such notable young men as Montrose, Roxburgh, Haddington and Rothes.[7] Although it seems likely that the majority of

[4]Defoe, History, p 222 et sqq. George S. Pryde, The Treaty of Union of Scotland and England 1707, pp 27-28.

[5]James MacKinnon, The Union of England and Scotland, pp 281-282.

[6]Lockhart, Memoirs p 24, describes Seafield as "finely Accomplished, a Learned Lawyer, a Just Judge, Courteous and Good-Natur'd, but withall, so entirely Abandoned to serve the Court Measures, be what they will, that he seldom or never consulted his own Inclinations, but was a blank sheet of Paper, which the Court might fill up with what they pleas'd."

[7]Mathieson, Statesmen of the Union, pp. 64-70

Scotsmen outside Parliament were opposed to the Treaty,[8] it was passed in Parliament, amidst weakening opposition,[9] by virtue of the fact that the nobility[10] voted in favour of it in much larger numbers than the other two estates.[11] It was here that the votes of the Squadrone were of such vital importance.[12] The fears of the more moderate members of the Clergy had been quieted by the Act for securing the Protestant Religion and Presbyterian Church Government - an indispensable step in the passing of the Treaty, because without Church support it is agreed the measure would have failed.[13]

[8] Agnes Mure Mackenzie, Scotland in Modern Times 1720-1939, p 5; Pryde, The Treaty of Union, p 25 (He quotes Dicey and Rait, Thoughts on Scottish Union, pp 97, 353 in favour of this); But Mar to Sir David Nairne, 6 Nov 1706, Hist. MSS. Comm. Mar and Kellie p 314 states " .. I'm sure the fourth of the nation either in substance or numbers will be found against it (the Union)"

[9] Pryde, The Treaty of Union, p 30

[10] Pryde, The Treaty of Union, p 27 "the terms were therefore accepted mainly because the nobles wanted them - and the eccentric pattern is completed by the circumstance that it was they who 'suffered a great diminution by it' (Burnet) (through being limited to sixteen elected members). It is futile to try to account for either the working majority or the strength of the opposition on the basis of self-interest; beyond a doubt the Scots nobles (though some of them later wavered or recanted) had unusual courage as well as intelligence and ability."

[11] Pryde, The Treaty of Union, p 27 gives the voting figures on Article I and the final vote, and quotes Dicey and Rait, Thoughts on Scottish Union p 374 for rest; J. Hill Burton, The History of Scotland, p 153.

[12] Burnet, History of His Own Time v 280; Trevelyan, Rammillies and the Union with Scotland p 275

[13] Mathieson, The Church and the Union p 60, 62; Hume Brown, Surveys of Scottish History, p 82.

The addresses had failed;[14] the "Romantic Plot" had come to nothing.[15] On 16 January 1707 Defoe was able to report triumphantly that the Act had received the touch of the sceptre.[16]

Any hopes that the Treaty might have been delayed long enough to render problematical its passage in that session of the English Parliament were speedily dashed, because the frenzied opposition of such men as Nottingham and Pakington[17] in the Lords was insufficient to disturb the solid Unionist majority in both houses.[18] The Act for Securing the Church of England as by Law Established had helped to silence any arguments along these lines as had its Scottish counterpart. It is interesting to note, however, that Defoe received the news of the successful passage of the bill through the Commons with surprise and pleasure at its rapidity.[19] The truth is that the English as a whole were perfectly convinced of the value of a Union with Scotland from a security point of view,[20] so that all England resounded with the ringing

[14] Lockhart, Memoirs p 235 who indignantly exclaims, "For the Parliament had no more regard to those Addresses, which contained the Inclinations and earnest Supplications of the People than if they had indeed served for no other Use than to make Kites, which was the Use of my Lord Duke of Argyle was pleased to assign them publickly in Parliament.."

[15] Lang, A Romantic Plot against the Union p 85-92 explains the part played by De Foe, Queensberry, Ker of Kersland, Cunningham of Ecket and the Duke of Hamilton in this affair.

[16] Defoe to Harley, 16 Jan. 1707, Hist. MSS. Comm. Portland iv 382

[17] Feiling, History of the Tory Party p 391

[18] MacKinnon The Union of England and Scotland pp 329-334; Pryde, The Treaty of Union p 31 notes the same moderating influence of the Archbishop of Canterbury.

[19] Defoe to Harley, 23 Feb 1707, Hist. MSS. Comm. Portland iv 389

[20] Hume Brown, Surveys of Scottish History, p 76 stresses the effect of the famous Scottish Act of Security (1703) on England; as also does MacKinnon in The Union of 1707, The Act of Security p 47.

of church bells, people decked themselves out in their best clothes; Queensberry was greeted with royal munificence; relief and joy were unrestrained.[21] Not so with the Scots. Even those who had done most for the Act in their own Parliament had acted rather because the alternative of discord and poverty they saw inevitably stretching before them was not to be borne.[22] One could hardly expect any Scotsman lightly to pronounce the death warrant of his own Parliament at a time when it was only just beginning to assume its proper position and importance in the nation's affairs.[23] This situation, together with the centuries old mutual antagonisms between Scot and Englishman, promised difficulties in the working of the Union.

In any case teething troubles were to be expected when the Union came into force on 1 May 1707; but their violence suggested that the infant was likely to be a refractory one. Much of the trouble seems to have arisen from a culpable lack of care on the part of the Government,[24] It was as if, with the Treaty signed, responsible men sat back in their chairs with a sigh of relief. Their relief was short-lived.

[21] Trevelyan, Ramillies and the Union with Scotland, pp284,285; MacKinnon, The Union of England and Scotland p 335.

[22] Trevelyan, Ramillies and the Union with Scotland 272 quotes James Johnstone of the Squadrone as saying, "The true state of the matter was whether Scotland should be subject to an English Ministry without trade, or be subject to an English Parliament with trade."; Pryde, The Treaty of Union p 21 quotes Roxburgh's fear of war if Union should fail (from Jerviswood Correspondence p 141) and Baillie of Jerviswood's contention that "the Union is certainlie preferable to our present condition, and of two evills the least is to be chosen." (From Jerviswood Correspondence p 144).

[23] W. L. Mathieson, Scotland and the Union. A History of Scotland from 1695-1747 p 156; A. M. Mackenzie, Scotland in Modern Times, p 53.

[24] Burnet, History of His own Time iv 205.

A most virulent opponent of Defoe during the battle over Union had been one Mr. Hodges,[25] the champion of federal union. In the course of a fiery pamphlet on this subject he was able to find more than thirty "Interfering Interests" which made incorporating union a tragic mistake. Many of his arguments do not carry much weight. One of them, though, must have been difficult to counter. He spoke of "the Impossibility of giving to the Scots, any Reasonable Security for the Performance of the Terms and Conditions agreed upon in an Incorporating Union."[26] There is no doubt that he was right. Once the Scottish Parliament had disappeared and some of its members formed a a small minority in a predominantly English joint Parliament, there could be no certainty of 'security' for Scotland. In the last resort the success of the Union would depend upon mutual understanding and tolerance, the burying of national hatreds, and a generous determination on the part of the English to allow Scotland a legitimate share in the advantages which their Empire and trade offered. To have expected all this to happen would have been to indulge in Utopian dreams. After all, the primary reason (before-mentioned) for England's consent to the Union on those terms was that she was painfully aware of the nuisance value of a separate Scotland. Once the Union was an accomplished fact more selfish ideas would certainly show themselves. How selfish and unaccommodating were the English going to be? That was the burning question.

The matter of trade immediately after 1 May seemed at

[25] Hist. MSS. Comm. Portland iv, 356.

[26] Hodges, The Rights and Interests of the two British Monarchies, with a special respect to An United or Separate State, Treatise III, p 82

first to supply an answer to those Scots who believed confidently in the bad faults of the English. Defoe wrote to Godolphin (Harley was then ill) as early as 22 February 1707 warning him of a large-scale attempt to cheat the Customs in England.[27] He spoke of three ships laden with French wines which had entered Scotland during the previous week and mentioned that many more were expected. The root of the trouble appeared to be in London where some merchants were encouraging the movement because "the English will not so far disoblige Scotland at first as to obstruct it."[28]

Defoe, writing in his History after the whole matter had been decided, was able to give a clear idea of the object of the merchants. The customs duties in Scotland were much lower than those in England, therefore, naturally, many Scots merchants seized the opportunity to import a great deal more than their normal quota so that these goods could enter England after 1 May, without paying the higher duties.[29] As things stood there was no doubt they were legally entitled

[27] Hist. MSS. Comm. Portland iv 383

[28] A curious twist is given to this affair by the fact that we find Defoe writing later (10 March 1707) to Harley mentioning "three more ships came in yesterday and ten more at hand" and then blithely suggesting that, if the goods were to obtain entry "why shall not your honour permit me to buy a tun of rich claret here .... as cheap as ..... a hogshead ....?" ibid 392. Moreover in a letter to John Bell written eight days later he asks him to suggest to Harley that he be allowed to buy the claret "and this trade being my old business I persuade myself my palate cannot be deceived in what will please him" ibid 394. One can only assume that, not realising the storm was about to break as a result of his earlier warning, he too imagined that the English Parliament would not do anything to obstruct trade.

[29] Defoe. History p 568.

to do so. Had the matter stopped there it is possible that the quantity of goods imported would not have been so great as to threaten a glut on the London market and so cause a public outcry. The complaint was "not so much against the freedom of Scots Merchants importing their own goods, but of foreigners, Dutch, French, Jews and English, who under cover of Scotsmen, had crowded vast quantities of wine and brandy merely to evade paying the English duty..."[30] This was obviously sailing very close to the wind. Even worse were the subterfuges employed with regard to tobacco. Impoters of this product in England could export their tobacco to Scotland (as to any foreign country) by certificate, and in the process get a "drawback" of 5d per pound out of the original duty of 6d paid. Defoe stated that "above six thousand hogsheads" of tobacco (some said double that quantity) had been exported to Scotland in this fashion so that, after 1 May, it could be brought back to England and so evade the duty.[31] These dealings, coupled with the excessive importation of wines and brandies into Scotland, threatened a deluge which profoundly disturbed many merchants in London.[32]

[30] ibid., 570

[31] ibid., 568-569; see also Burnet, History of His Own Time iv 179.

[32] Many Scots had shrewdly made use of the drawback on salt. Defoe explained "Now between the ratifying the Treaty and the first of May, when it was to take place, a very great quantity of foreign salt (French) was imported, which,by the passing all the goods so imported as before, paid none of the English duties. Now it was alleged, that as the duty did not commence upon the 1st, so the drawback ought not to commence, which was the effect of that duty; but the letter of the act being express.....Scotland got about twenty-seven thousand pounds drawback, where they paid little or nothing in duty." History p 31. (This refers to Article VIII of the Treaty).

Defoe's first complaint to Godolphin had been made specifically to stop a great movement of trade with its origins in London. It started a conflagration which, fanned by the gales of rumour, threatened to involve the whole of Scotland in uproar. In a letter to Harley (22 April, 1707) Defoe was as uncertain as the Scots whether the legislation introduced into the Commons was designed to put a stop to the whole importation or only the non-Scottish part of it. He recognised the extraordinary difficulty of a partial stop as this would leave so many loopholes for transfer of property and other fraudulent practices.[33] What caused him most anxiety, however, was the effect of the legislation on the Union. Indeed he remarked "the whole fleet is but 42 sail at most" and so gave the impression, confirmed by his History,[34] that the whole matter should be allowed to drop rather than that the constitution so lately formed should be endangered. He must have been terribly perplexed at this time because one of the main arguments used against union appeared to be bearing fruit.[35] "I dare not write to you the murmurs of the people, my worst misfortune is that I can make no answer to it, and though I thought my reputation established here, yet

[33] Hist.MSS.Comm. Portland iv 402-403.

[34] Defoe, History p 692

[35] Defoe to Harley, 24 April 1707, Hist.MSS. Comm. Portland iv 403. "The new votes of the House of Commons make the most unaccountable fermentation here, that if the next news does not cool it I shall need no new orders from England about staying or returning, for really there will be no staying here for me nor hardly any English man. " He referred to complaints made: 'Aye, aye' says one of them, 'Now you see how we are to be served! and what are we to expect from a British Parliament! How early they begin with us and what usage we are to have whenever our advantage clashes with their interest....'"

I confess this shocks it."[36] His only course was to repeat what he could not be certain of: that an exception would be made for Scotsmen. On this subject he dilated a month later when he still had no definite news. Apart from the obvious complaints he had previously made, he put forward the practical consequences to the merchants of Scotland of a complete stoppage - they would surely suffer by reason of the glut.[37]

Having examined the affair from its Scottish side it is now time to discover how much of what Defoe had heard was truth and how much rumour. When the scale of the fraud about to be perpetrated came to the notice of certain merchants in London, notably "those concerned in the trade to Spain, Italy and Portugal",[38] they pestered the Commons[39] into bringing in a bill to stop this traffic.[40] The bill was duly passed by the Commons, but rejected by the Lords (8 April) on the grounds that the English Parliament alone had not the power to alter any of the Articles agreed upon by both Parliaments and incorporated in the Treaty of Union.[41] In spite of this the bill was once again passed by the Commons

[36] ibid 403.

[37] Defoe to Harley, 21 May 1707 ibid 411-412; Defoe makes reference to an article in the Review in which he had stressed the fraudulent aspect of the affair, with the proviso that Scots should not be affected. 23 May 1707 ibid 413.

[38] Defoe, History p 569

[39] Mackinnon, The Union of England and Scotland p 357 mentions that "the commercial interest was strongly represented in the House of Commons."

[40] Feiling, History of the Tory Party p 396

[41] Defoe, History p 571

with the addition of a clause, on the motion of Harley, which would have excepted the Scots but "requiring the Scottish merchants to prove ownership of the goods sent to England, and defining the Scottish trader to be such as resided in Scotland."[42] It suffered a similar fate at the hands of the Lords.

Harley's support of the bill is explained in a letter to Defoe on 12 June.[43] He spoke particularly of Dutch, Jews, Swedes and Danes as being amongst those who were attempting to cheat the Customs. This they were doing, not off their own bat, but because some "gentleman", darkly hinted at, had offered them large commissions so that he himself should be able to make a great profit. Reference was made to the rumoured implication of members of both Houses in these nefarious deals; but the idea that this had taken place was not believed by Harley. The crux of the matter was then approached. The Commons had tried to pass a bill which would

have "contrived to make the cheats do justice and at the same time indulged the Scots with an opportunity of getting clear and honestly 150,000 l., to speak with the least - but Satan hindered - the Scots - but I should more truly say one person only - solicited against their own nation, under pretence of the Union[44] ......When they found that a middle way was discovered, to indulge the Scots and make the others pay, then they were surprised and to hinder it, all tools were to be used - 'Acheronta movebo' - What was the present end you know, what is to come God knows, but this is certain; if our Scots friends knew what a sweet morsel these people have taken out of their mouths they would turn their rage the right way ...... two things more, those goods (though they

[42] Mackinnon, The Union of England and Scotland pp 357,358

[43] Hist. MSS. Comm. Portland iv 418, 419.

[44] A letter from Henri Maule, writer to the Earl of Mar, 3 June 1707 (Edinburgh) Hist. MSS. Comm., Mar and Kellie p 397 explains that the merchants in Scotland now tend to blame "the ministers of state" for opposing the Common's bills twice, as they realise these bills were not directed at them. Defoe, on 5 August, explains that the people in Scotland blame the Scots merchants for rousing opposition against the bill. Defoe to Harley, Hist. MSS. Comm. Portland iv 430.

should come in quickly) will come to no market, and the next thing is that wines, brandies and the goods of the growth and manufacture of the Kingdom of France are entirely forbidden here, and can no way be brought in, either before or since the Union, but as prize goods, and then the duty is fixed high and this is as plain as A.B.C."

The threat that, in spite of the wishes of the Upper House, goods imported in this way would be impounded, had reached Defoe while he was in Glasgow and he was immediately worried over its effect in Scotland.[45] About the middle of June a fleet of nearly fifty sail left Scotland; as soon as they arrived in the Thames both ships and goods were seized by the Customs (see Harley, above) on the valid groundsthat French goods, prohibited by Act of Parliament, could not be imported into England. All was indeed "put to a full stop."[46] Scottish merchants organized petitions in the royal burghs and these were laid before the Queen.[47] No doubt the heat raised by the Customs move was considerably increased by the method of seizure, if Burnet is to be believed, for he states "this was managed with a particular affectation of roughness."[48] In the meantime others had taken up the cudgels on behalf of the Scots, as we learn from a letter of the Chancellor to the

[45] Defoe to Harley, 15 May 1707, ibid 407; also a letter from Stirling ibid 411.

[46] Defoe, History pp 571,572.

[47] ibid Appendix D3. Defoe also quotes an observation by a Member of Parliament stressing the danger of breaking the Union. ibid pp 691,692.

[48] Burnet, History of his own Time, iv 205.

Earl of Mar.[49] Consequently the two Scottish Secretaries of State,[50] Mar and Loudoun, intervened with the Lord Treasurer, at the instance of the Scottish merchants, to enable the goods to be landed in order to avoid damage by heat. Permission having been granted, a further difficulty arose. Apparently certain London merchants, fearing the unloading might prejudice their case, prevailed on the Scots merchants to refuse the facilities offered them. Instead they entered a protest with the Customs authorities.[51] Mar held that because they were not certain the unloading would be followed by a definite decision in favour of the Scots, he and Loudoun were unable to press the matter too strongly with the merchants.[52]

Eventually the whole matter was settled by the issue of a writ devenirunt, according to which a rebate of the duty was granted subject to its possible recovery from the owners if Parliament so wished.[53] As the British Parliament then washed their hands of the whole affair nothing further was done.[54] Defoe rightly stressed in his History that a great deal of credit must go to the stand made by the House of Lords.[55]

[49]Hist.MSS.Comm., Mar and Kellie p 400 (6 July 1707)

[50]Thomson, Secretaries of State p 29.

[51]Mentioned also in Defoe to Harley, 5 August 1707, Hist. MSS. Comm. Portland iv, 430.

[52]Mar to Lord Chancellor, 29 July 1707, Mar and Kellie pp405,406.

[53]Mackinnon, The Union of England and Scotland. p359. He also mentions (p360) "The time gained saved the English market ... from the glut of foreign goods, which would have resulted from the unrestrained ingress of Scottish vessels into the port of London."

[54]Mackinnon ibid p 359; Defoe, History p 573.

[55]ibid p 573.

The great upheaval caused by this trouble might have been expected to find a prominent place in Lockhart's Memoirs. Its happy ending and the evident good intentions of the British Parliament, however, silenced even that staunch Jacobite and trouble-maker. He contented himself by remarking that a great deal of profit had been made by certain merchants, but that obviously no such trade profits could be hoped for in the future.[56]

A number of interesting conclusions can be drawn from this early brush. First there emerges the scrupulousness of Defoe (possibly strengthened by his own situation) over the Treaty. At no stage did he falter in his declarations that, whatever happened, the Union accomplished by means of such painful and exhausting labour, should not be prejudiced. This point of view was evidently that held by the Lords and, finally, Parliament as a whole. Next, we get some idea of the lack of trust between the two nations; the ease with which Scotland could be thrown into a ferment; and, perhaps most significant of all, the jealousy with which English trading interests were guarded.

The Equivalent. Next we come to another subject that, for a while, raised something of a ferment in Scotland. This was the Equivalent. During the discussion of taxation, customs and excise by the English and Scottish Commissioners in London in 1706 the former had been "obliged to insist upon ... an equality .... throughout the united kingdom, as that, without which the Union could not be entire."[57] In consequence various calculations had to be made so that an equitable arrangement should be reached. These calculations were embodied in the complicated Article XV of the Treaty of Union.

[56] Lockhart, Memoirs, p 343

[57] Defoe, History p 124.

A scale of proportions between the two countries had to be drawn up.[58] This involved not only a direct proportion calculation but also an additional calculation to take care of the fact that England had a National Debt and Scotland none. After Union the National Debt would become a British one. An Equivalent of £398,085 -10 -0 was accordingly voted by the English Parliament to cover "the capitalized value of these payments".[59] Afterwards as "the happy consequence of the Union"[60] it was confidently expected that customs and excise revenue would increase. Obviously some of this increase would go towards settling the National Debt, so a second Equivalent was nesessary. This consisted of the complete increase for the first seven years after the Treaty of Union had come into force, and, thereafter, that part of the increase "required for service of the debt."[61] The money from the two Equivalents was to be applied as follows: (i) Any private person who sustained loss through the standardisation of the coinage was to be compensated. (ii) The capital stock of the African and Indian Company was to be repaid in full, together with interest at 5%, and the Company dissolved. (iii) "All the publick Debts of the Kingdom of Scotland ... as adjusted by ... (the Scottish) Parliament[62]" were to be paid. (iv) A sum of £2000 per year for 7 years was set aside to encourage the manufacture of coarse wool, and afterwards the money was to be used to help "the Fisheries and other

[58] Pryde, The Treaty of Union, p 41 "Scottish customs and excise were farmed at £30,000 and £33,500 per year respectively, while those of England between them brought in no less than £2,289,161." (The calculations were undertaken by "Sir John Clerk of Penicuik, David Gregory, Professor of Astronomy at Oxford, and William Paterson, the celebrated financier and promoter.") Defoe notes that the calculations were checked and found correct by "Dr James Gregory, professor of Mathematics in the college of Edinburgh and....Dr Thomas Bower, professor of Mathematics in the college of Aberdeen .." History, p 392.

[59] Pryde, The Treaty of Union p41.

[60] Article XV, Treaty of Union.

[61] Pryde ibid p 41.

[62] Article XV, Treaty of Union.

Manufactures and Improvements in Scotland as may conduce to the general good of the United Kingdom."[63] To dispose of these sums the Queen was empowered to appoint Commissioners.

When the Article came before the Scottish Parliament it was attacked on several grounds.[64] Much was made of the fact that Scotland would have to pay part of the English National Debt; but this argument was effectually countered by the contention that, if the union was to be complete, and trade free within it the customs and excise arrangements must be uniform. Complaints that the Equivalent was really a bribe were not countenanced and it was pointed out that the Article made provision that any improvement in trade would be used for Scotland's benefit. The dissolution of the Company caused great sorrow; but this blow to Scotland's pride was softened by the generosity of the compensation. Article XV was in fact approved by large majorities.[65]

In view of the great financial importance of this Article, the Government might have been expected to ensure that no hitch occurred in the payment of the £398,085 -10 -0. True there was no mention of 1 May as being the date of settlement,[66] but it was not likely that this detail would receive much

[63] ibid.

[64] Mackinnon, The Union of England and Scotland pp 321,322; Defoe, History pp.438-440

[65] Mackinnon, The Union of England and Scotland, p322.

[66] Article XV "Which sum ...shall be due and payable from the time of the Union ... from the time of passing the Act of Parliament in England for raising the said sum ...the said Company shall neither Trade nor Grant Licence to Trade Providing that if the said Stock and Interest shall not be payed in twelve months after the Commencement of the Union, That then the said Company may from thence forward Trade or give Licence to Trade until the said hail Capitall Stock and Interest shall be payed ...."

publicity from ill-wishers to the Union. But the great day passed without any sign of the Equivalent. Defoe, anxious as ever that aslittle as possible should occur to arouse animosities, complained to Harley that the delay was undesirable. He quoted Scotsmen as saying that the Treaty had been broken by failure to deliver the money on time.[67] Most of them did not suggest that the money would never come to hand, but they made use of every opportunity to embarrass supporters of the Union. In his History Defoe was later at pains to point out that the English Parliament had scrupulously delivered the money to the Commissioners "upon or before" the first day of May.[68]

Defoe and the Scots had to wait patiently for the money for quite a long time. How pleased he must have been to hear in July that it was on its way; pleasure somewhat tempered by the news that an attack had been planned on the wagons in which it was coming.[69] Knowing how many people were waiting anxiously for repayment of their "Darien" money, Defoe carefully circulated rumour to the effect that this attack on the convoy was due, anticipating that "half the country" would go out to meet it and so avert any such disaster! Probably there had never been any danger of this. The Equivalent, however, was certainly met by a mob of people who amused themselves by throwing stones at the wagons as they

[67]Defoe to Harley, 23 May 1707. Hist.MSS.Comm. Portland iv 413.

[68]Defoe, History p 588 "And this is to be seen by the said Commissioners receipt in the Exchequer of England ..."

[69]Defoe to Harley, 19 July 1707, Hist.MSS.Comm. Portland iv 427.

wended their way towards the Castle,[70] shouting the while that their contents were "Judas money". There does not appear to have been much sincerity behind these demonstrations. Many noticed, was Defoe's complaint, that those very people who had tried to rouse the country on the grounds that the English were not going to pay the money, now changed their tune and noisily spoke of national bribery. Yet he was unable to find any, even of the "most malcontent," whose scruples caused them to refuse their share of the money when the holders of the African Company' Stock received compensation![71]

In fairness to the opponents of the Treaty, however, one cannot help feeling that the Equivalent really was something in the nature of a bribe. There can be no doubt that the possibility of recouping their losses in the Darien fiasco at least reconciled to the Union some of those Scotsmen who might otherwise have opposed it. The payment of public debts of the Scottish Crown, too (including allowances to the Commissioners of 1706 and 1702)[72] involved many of those in favour of the Union.[73] Lockhart's contention that the Union was carried by bribery (in particular the £20,000 advanced by the English Treasury in October and November of 1706) has been effectively disproved.[74] Much of the evidence available though, shows that it was the custom of the age to accept money inducements and that both sides in Scotland had received money during the struggle over Union.[75] This money helped

[70]Defoe, History, p 589. (It arrived on 5 August.)

[71]ibid pp 589,590.

[72]Defoe, History pp 499,500. (The Commissioners of 1706 were voted £12,000 Scots for each nobleman and £6,000 Scots for each other member. Defoe considered these payments perfectly justifiable.)

[73]Pryde, The Treaty of Union p 42.

[74]Mackinnon, The Union of England and Scotland pp342-361;Pryde IBID pp32-34; Trevelyan, Ramillies and the Union of Scotland pp282-283. (As Trevelyan says, "How far can payment of debts justly due, be regarded as bribery?".

[75]Trevelyan ibid 283.

to grease the wheels of the Coach of Union; the driving power was to be found in a genuine desire on the part of the negotiators for the improvement of their country.

Though the Equivalent had arrived, there were still difficulties. A hint from Defoe that trouble was likely to occur if a large part of the money was in the form of Exchequer bills, had already been passed on to Harley.[76] As it turned out only £100,000 was in ready money. In explaining that this was a false step Defoe did not mince his words. His comments that the men who were to receive the money were not men of trade, nor was there any such thing as paper credit in Scotland helps us to understand the extreme poverty of the country. The Scots themselves complained bitterly that one of the great arguments in favour of the Equivalent - the circulation of ready money and encouragement of trade - was made a mockery of by this procedure.[77] From the tone of both his letters and his History it is easy to see that Defoe's sympathies were with them. Fortunately the mistake of the Bank of England in failing to make arrangements with the Bank of Scotland or, alternatively, neglecting to have a "running interest" on their bills, was early appreciated by the Commissioners.[78] Immediately they sent to England

[76]19 July 1707, Hist.MSS.Comm. Portland iv 427

[77]Defoe, History, p 591.

[78]Defoe, History, p 591; some detailsalso appears in Defoe to Harley, 7 Aug 1707, Hist.MSS.Comm. Portland iv 431. (An interesting point in connection with the Commissioners is mentioned by Defoe, History pp 586,587. Twentyfive Commissioners were named of whom four were English. "The four Merchants of London were named, because, as members of the Bank of England, they were required to be present on the spot in order to support the credit of the Bank, in case any had scrupled their bills; and indeed there was occasion sufficient for their being there...."

for £50,000 more in gold. In addition they announced that nobody would be compelled to take Exchequer bills. Gradually excitement died down; some accepted the bills in full payment of their claims and others in part; but the hope of the Bank of England that the bills would circulate in Scotland as a "paper credit" were falsified because after six months not one was to be seen north of the Tweed.[79]

Meanwhile the standardisation of coinage had begun. There was only one serious difficulty to be overcome and this did not affect the comparatively smooth working of the arrangement. A certain amount of English money was already in circulation, it was worth twelve times as much as the Scottish money.[80] All this money was called in first and had to be submitted on a particular day. Certificates were then issued enabling the owners to receive the extra money due to them, the Equivalent providing this.[81] Thereafter all foreign money was called in by proclamation. It appeared in much greater amounts than had been expected (£150,000) and the Mint immediately set to work to convert it into English money, with the result that "this, joined to the money brought down for the equivalent furnished above £200,000 in silver money, besides what English money was in the country before....."[82] The Scots money had to be out of circulation by the end of September, 1708. All, according to Defoe, passed off well, nor was there any interruption to business.

[79] ibid p 594.

[80] Pryde, The Treaty of Union, p 40.

[81] Defoe, History, p 446

[82] ibid p 598.

The first three objects of the Equivalent were thus fulfilled;[83] but the application of the money which was to be used for the encouragement of the wollen industry, fisheries and other manufactures was subjected to long delays. Its general effect on trade will be discussed later.

Customs and Excise. Article XVIII of the Treaty reads "That the Laws concerning Regulation of Trade, Customs, and such Excises to which Scotland is by virtue of this Treaty to be lyable be the same in Scotland from and after the Union as in England.." Methods involved in running the Customs and Excise differed very greatly as between the two countries, so that considerable reorganisation would have to take place. Burnet is particularly scathing about this: "For whereas it might reasonably have been expected that the management of the newly united part of this island to have been particularly taken care of..... things were, on the contrary, so ordered, as if the design had been to contrive methods, to exasperate the spirits of the people there. Though the management of the Scottish revenue was to fall into the hands of the Lord Treasurer, no care was taken to have the Commissions ready at the day, with new officers to serve in them: So that the whole trade of Scotland was stopped, for almost two months, for want of orders to put it into the new course, in which it was to be carried on."[84] Some support must be lent to this statement by the fact that the Government had already proved remiss in so far as the great Customs dispute and the Equivalent were concerned. Moreover, a letter of Godolphin's shows that all the Custom House officers had not been fixed by 14 May.[85] A month later Harley was speaking of a position for Defoe as Surveyor of one of the ports;[86] a month after that Defoe himself remarked that the Commissioners of the Customs were still filling up places.[87] It is therefore reasonable to accept Burnet's view that much disorganisation occurred because of a lack of forethought. At the same time the

[83] See above p 36.

[84] Burnet, History of His Own Time iv, 205.

[85] Godolphin to Harley, Hist.MSS.Comm.,Portland iv, 404.

[86] Harley to Defoe, 12 June 1707, ibid., 418.

[87] Defoe to Harley, 19 June 1707, ibid., 427

practical difficulties of the change-over should not be minimised. Pressure of ordinary state business probably kept the Lord Treasurer fairly busy; but when to this was added the many problems raised by the Union, it is hardly surprising that some confusion resulted. In Godolphin's favour it ought to be noticed that an attempt was made in April to start reorganizing the Customs.[88]

Any such lack of speed was not noticed by Lockhart. He mentioned the immediate appointment of the two mixed Commissions, being careful to stress that all the Scotsmen concerned were "down right Renegades" who were thus rewarded for selling

their country." ...at the same time vast numbers of Surveyors, Collectors, Waiters, and in short, all or most of the officers of the Customs and Excise were sent down from England, and these generally speaking, the very Scum and Canalia of that Country, which remembers me of a very good story: 'Sometime thereafter a Scots Merchant Travelling in England, and shewing some apprehensions of being Robbed, his Landlady told him he was in no hazard, for all the Highway-men were gone, and upon his enquiring how that came about; why truly, replied she, they were all gone to your Country to get Places! These Fellows treated the Natives with all the Contempt and executed the new Laws with all the Rigour imaginable ...."[89] As

usual Lockhart saw only black or white - there could be no grey. Interestingly enough, though, his main contention appears to have been accepted as correct by historians of this period.[90] All stress that the English officials sent

[88] Defoe, History, p 577

[89] Lockhart, Memoirs p 342

[90] Burton, The History of Scotland, pp208,209; Mackinnon, The Union of England and Scotland pp 361,362; Pryde The Treaty of Union p 51; Hume Brown, Surveys of Scottish History pp83, 84; Trevelyan, Ramillies and the Union with Scotland p 335, remarks, "Their (Englishmen's) irritating inflexibility, their belief that their own ways were the only ways, their contempt for poverty and dislike of dirt, angered the Scots as these attitudes have angered many other races since. To throw an English ganger over the cliff seemed a work of mercy."

to supervise the introduction of the new methods made no attempt to try to understand the Scots or their ways. They were narrow and rigid in the performance of their tasks. In any case they were bound to be unpopular, but their conduct trebled the fury of the Scots; so much so that one historian believes this, as much as any other annoyance caused a settled dislike of the Union.[91]

Turning to Defoe, we do not find the same uncompromising denunciation of those men. True on 15 May he sounded a warning note. Although he made no complaints against any of the officers hitherto sent to Scotland, he suggested that whoever was sent down should be "commanded" to be as courteous and civil as possible. "Though the gentlemen should be in the right and it consists with their duty, yet it they have any regard to the nature and temper of things and folks, they must wink, abate, and bear with circumstance."[92] This was indeed wise and moderate advice! Would it have been offered if there had been no need?

From his History we learn that the Government had taken the precaution of sending five men to Scotland in April[93] to prepare the way for the Commissions. They found

[91] Hume Brown, Surveys of Scottish History p 84; In Warrenders Letters 1715 p 1,2 a description is given of an attack on a constable with warrants to search shops. Great exception was taken to this searching of merchant's shops. A description (pp2,3) of the rigidity of the Collector of Leith with regard to peat and coal is also included.

[92] Defoe to Harley, Hist.MSS.Comm. Portland iv 408

[93] Defoe History p 576 Their names: Mr Lionel Norman, Berwick; Mr Jessop Boughton, London; Mr John Colquit, Chester; Mr John Sewell, Carlisle; Mr Warwick Arthur, Burlington.

the confusion in the customs arrangements indescribable - partly no doubt because they were not English. In the short while at their disposal they apparently did good work and prepared the unfortunate Scots for what was to follow. Under the Scottish system the revenues had been let out to "farmers" or "tacksmen".[94] These men had been very lenient, the idea being that this would encourage an increase in trade and so be to their own advantage.[95] According to Defoe they had done their utmost, not very successfully, because there were too few of them and their assistants were badly paid. Not only had the old system been leniently enforced, the duties had been light. Therefore the contrast was all the more violent in that the English Customs were rigidly organized and the duties on wine and brandy "five to eight times as much" as before.[96]

Complaints immediately arose, on Lockhart's lines, that all the Commissions were filled up with Englishmen or strangers. Defoe gave the composition of the Customs Commission as being three Englishmen and two Scotsmen, and quoted their names.[97] He roundly denied that more than one fifth of the officials were English, maintaining that the violence of the complaints was due to anti-Union agitators, who were trying to set the Scots against the Southerners by pretending that the Customs establishment was merely another way of gratifying their rapacity.[98] Moreover, he quite sensibly held, the

[94] ibid p 577. cf. the French "farmers-general".

[95] Mackinnon, The Union of England and Scotland, p 361.

[96] Defoe, History, p 577

[97] ibid p 575

[98] ibid p 577.

English officials were vital to the scheme as only they could effectively introduce the new methods. How violent the opposition was can be gauged from the fact that customs officials at first were unable to cope with it. Incensed mobs stoned them and soldiers had to be provided to protect them in their duties. By these means some sort of order was established. It needed more than that to stop the smuggling. As a result "riding officers" were appointed to keep an eye on the coast, to give information to the commissioners, and to direct officials to likely spots. There were four "riding surveyors"[99] each of whom had three riding officers under him. To supplement this watch on the coast a number of small fast-sailing vessels were built and the combined effect of these methods made smuggling a more hazardous venture.[100]

All this time and for long after there was a curious attitude towards smuggling in Scotland, undoubtedly fostered by a nation-wide hatred of the English and their system. Burton describes it as "a conspicuous national vice,"[101] and maintains that for long only the burgesses of the trading towns were opposed to it - for obvious reasons. He quotes a resolution of the General Assembly (1719) condemning "the sin and evil of running unentered goods, and of the perjuries in the custom-house in the matter of trade"; moreover he

[99] Hist. MSS.Comm. Portland iv 418 (The post which Harley suggested might be given to Defoe, 12 June 1707.)

[100] Mackinnon, The Union of England and Scotland p 280; Defoe History pp 577-580

[101] Burton, The History of Scotland p 358. This attitude was apparently commonplace in those days. G. D. Ramsay shows that smuggling on a vast scale continued in England "right down to the end of the period of protection". The Smuggler's Trade: A Neglected Aspect of English Commercial Development Transactions of the Royal Historical Society (Fifth Series) ii, 131.

remarks that the justices of the peace were themselves great dealers in contraband.[102] An early result of the seizures made was that, far from being discouraged, the Scots were reputed to have smuggled thousands of casks of brandy ashore from the first Dutch fleet to put in after the Union.[103] Defoe's complaint at the lawlessness of the Scots in this respect is interestingly supported by a letter from Cromarty to Mar.[104] But his contention that, because of the losses sustained by the "fair merchants" and the support they got from the Government, a very considerable diminution of the trade resulted, is certainly not fully borne out by an unsigned paper written in 1711.[105]

The writer held that the outcry against new methods was because they were new; not because they were unfair. Further, if the management of the Customs had been "wise and impartial," the four years that had passed since Union would have sufficed to satisfy the people and bring in greater revenue. That neither of these conditions had been fulfilled was accounted for by a variety of circumstances. He complained of the Commissioners as being either strangers or men whose authority was non-existent; they performed their tasks in partisan fashion; the result was corruption and complete subversion

[102] ibid p 359

[103] Defoe, History, p 582; corroborated by a letter Montroseto Mar, 2 July 1707, Mar and Kellie p 400 " ...if my information holds, as I think I may venture to say it will, it will be found that near 800 tuns of brandy have been run into this place (Glasgow) since the Union commenced without paying duty...."

[104] 10 July 1707 ibid p 402 " ..rational men most walk by rules, especially the rules for the publick good, and not by the little polstarrs of men's private interests and yett farr less by private humours which are very oft extravagant."

[105] Remarks upon the management of the revenue of the CUSTOMS in Scotland. Hist.MSS.Comm. Portland X 161,162.

of authority. To back up his last statement he recorded the various means by which the drawbacks on salt,[106] fish and tobacco were manipulated to the advantage of illicit traders; something which could hardly have happened on a large scale without culpable neglect. Article VIII of the Treaty had laid down, amongst other regulations about salt,[107] that "all fish exported from Scotland to parts beyond the seas which shall be cured with Forreign Salt only and without mixture of British or Irish salt, shall have the same Eases Praemiums and Drawbacks as are or shall be allowed to such persons as Export the like Fish from England ..." Foreign salt imported into Scotland was to be cellared by merchants under the supervision of officers and removed also under supervision. Much foreign salt was smuggled into Scotland free of duty, and then used on fish for the foreign trade, receiving a drawback because of carelessness on the part of the officers who were supposed to supervise. The most ingenious method of cheating the Customs also arose out of a lack of care in checking the quantity of foreign salt legally imported. Merchants would ship their fish and obtain the normal drawback. They would then sail the cargo "20, 30 or 40 miles" along the coast; run them ashore where other fish were being cured; and then ship them from another port, receiving a second drawback! This particular system was apparently used with even greater success in the tobacco trade. One anonymous author stated it was well known that the same packages of tobacco were shipped two and three times, each time receiving a heavy drawback. The size of the drawback

[106] Mackenzie, Scotland in Modern Times p13. states "The fisheries .... did not share in its (agricultural) revival, for the Salt Tax imposed by the Westminster Parliament had dealt them what seemed to be a final blow."

[107] Salt is dealt with by Defoe in his History pp 300, 418-430.

in relation to the value of the tobacco[108] meant that this was a particularly serious way of defrauding the revenue. Particularly in the Firth of Forth did the tobacco "racket" flourish. He maintained, too, that a lot of money had been wasted on prosecuting seizures which "they knew could never be made good". His remedy for this state of affairs: that Commissioners with the true interests of the country at heart should be appointed, and that they be provided with small allowances for "private intelligence". The contents of this paper are interesting, though one may be pardoned for doubting that the people could have been "satisfied" in so short a period as four years. The abject poverty of Scotland[109] for one thing was in no small measure responsible for the great popularity of illegal trading methods.[110]

It seems that Defoe was inclined to be too sanguine in his conclusions about smuggling - a trait which will later be noticed with regard to trade in general. So hopeful and confident was he that Union must bring about great trading improvements that, up to about 1712 at any rate, he tended to minimise the faults he saw. As long as it is recognised that his History was written both as a history and as a defence of the Union, proper allowance can be made for any such bias.

The Excise, although it raised a hubbub in the period immediately after Union, seems to have caused less lasting ill-feelings. As in the case of Customs loud complaints were made of the Englishmen sent down.[111] Defoe stoutly defended them from these attacks, maintaining the Commissioners were most just in their conduct and the sentences imposed

108 See above, p 29.

109 Mackenzie, Scotland in Modern Times p 18

110 MacKinnon, The Union of England and Scotland pp 362,363.

111 Hist.MSS.Comm.Portland iv 427

on malefactors.[112] He contended, moreover, that as soon as Scottish officials had been properly instructed "so few Englishmen remained in the Excise, that it is not worth the naming."[113]

What had caused a great outcry at the start was a misunderstanding arising out of weights and measures, a difficulty which had been aggravated because English officers were not above gauging on Sundays, to the horror of many Scotsmen.[114] Article XVII of the Treaty had decreed the use of English weights and measures. The Scots showed no liking whatever for the new ideas, and when he wrote his History[115] Defoe could see little progress except in transactions involving Customs and Excise. He correctly foresaw that it would be long before standardisation was achieved because, as he remarked

[112]Defoe, History, p 583 " ...it is to be observed to the honour of the persons employed in ..Excise..that, considering the ignorance for the most part of their officers in the art of gauging, and in new methods of taking the worts,* and making a charge, considering the difficulty of satisfying and convincing the people...no duty was settled with so little noise, or with so few complaints, not one person that I ever could hear of, having any appeal from the Commissioners sentences, or making any complaint of any injustice done them ...."

*wort: the unfermented infusion of malt that, when fermented, becomes beer.

[113]ibid 585

[114]Defoe to Harley, 19 July 1707, Hist.MSS.Comm. Portland iv 427,428. Strangely enough, in the same letter, Defoe agreed that "English officers should not frequent the Jacobite conventicles, which will soon render not them only odious, but so encourage them, that they will think themselves supported, or at least approved by the English Government..."

[115]1709. The second Edition was published in 1712 and this is probably the date to which he is referring.

it had not even been achieved in England at that time.[116] The greatest misunderstanding arose with regard to the barrel of beer. This contained 12 gallons Scots which was incorrectly quoted in Article VII as being equal to 34 gallons English;[117] in fact it was a slightly larger measure. In the end, after heated controversy, it was accepted that one seventeenth of the English 34 gallon measure should be added to make up the difference. The maximum excise of 2/- on every 12 gallons Scots was therefore granted to the brewers, as they had desired.[118]

Soon, Defoe averred, the brewers became satisfied with the new methods used and Excise difficulties disappeared in spite of attempts on the part of Jacobites to perpetuate ill-feeling on racial lines. An unintentionally amusing picture is drawn of agents employed by the Jacobites to march about the streets of Edinburgh "and cry out upon Scotland, and call the brewers' men Scotch rogues, and Scotch dogs, just as passing in the streets, and so make the people believe it was the English excise men........."[119]

[116] Defoe, History p 599; Pryde, The Treaty of Union p 42 writes "..the old Scots measures, especially those used for grain (lippy, peck, firlot, boll) were still in use in the nineteenth century."

[117] Sir David Dalrymple to the Earl of Mar, 5 August 1707, Mar and Kellie p 410. "The execution of the new rules about the Excise makes our brewers mad, and they have been in mutinies here, and it will be yet more uneasy in the country. I cannot precisely tell the reasons, but in general they complain that there 9 gallon barrels pay as 12 gallons Scots or 34 English. I apprehend the difference may arise from the manner of gageing, for they do not survey or gage the barrels but the survey is made on the wort, and our way of brewing differeing from that of England, the allowances given by the law of England in consideration of the wast in working the liquor does not answer our wast, which it seems is greater. Another reason of difference may arise from this, that our barrels are not of an exact size but contain more than nine gallons ......"

[118] Defoe, History, p 582-3.

[119] Hist. MSS. Comm. Portland iv 433

Justice and the Privy Council. Article XVIII, the first part of which dealt with Customs and Excise, contained in its latter half the provision that "the Laws which concern publick Right Policy and Civil Government may be made the same throughout the whole United Kingdom; but that no alteration be made in laws which concern private Right, except for evident utility of the subjects within Scotland......" It was an interesting compromise which attempted to preserve for Scotland a part of her legal heritage, because it was held by the Scots that this compared more than favourably with the English.[120] In Article XIX therefore, the Court of Session, Scotland's highest civil court, and the Court of Justiciary, its criminal complement, were confirmed in their powers but subjected to the limitation of the British Parliament. The continuance of the Admiralty Court and the confirmation of its powers was enacted, though provision was made for its alteration. No appeal was to be allowed to "the Courts of Chancery, Queens-Bench, Common-Pleas, or any other Court in Westminster Hall".[121]

[120] Mackenzie, Scotland in Modern Times pp 53,53; Mackinnon, The Union of England and Scotland p 469 states "In their benevolent care of the poor, both from starvation and the litigous oppression of the rich, in the protection of the subject from arbitrary imprisonment, in the recognition of the rights of all prisoners to be defended by counsel,in the establishment of an excellent system of popular education, in the humane restriction of the death penalty, the old Scottish Parliament had anticipated legislation which came to the people of England more than a century after the Union.

[121] Defoe to Harley, 12 December 1706, Hist MSS.Comm.Portland iv 368. "A Court of Appeal in Scotland will be insisted upon to be established here. If it be composed of Peers they will object, for they dare not trust their own Lords. If of commons how will it consist, with the Lords being the sovereign judicature; if there is no Court of Appeal at all they will either be forced up to England for their causes, which will be intolerable, or they will have the Lords of the Sessions to be a sovereign judicature, which seems still worse." In the event, no such Court was formed. Pryde in The Treaty of Union p 43 says that the appeal to the Scottish Estates was wrongly assumed by Defoe (History pp 158-161) to be a simple and a well-established right." ..in Scotland ...resort to the Estates by way of'protestation for remeed of law'was vague and obscure. Unwilling to attempt a definition at which Scots lawyers themselves had balked, or to arouse(perhaps needlessly animosities and forebodings among the men of Parliament House the Commissioners indulged in one of the 'Prudent ambiguities of cautious statesmen' (Dicey and Rait Thoughts on Scottish Union pp 191-200) by neither asserting nor denying the possibility of Scottish appeals to a House of Lords which, while it included Anglican bishops, would also, from 1707, contain Scots nobles. The evasion was destined to have a lively and protracted sequel."

The Court of Exchequer in Scotland was to remain until superseded by a new court, to be set up after the Union, and, finally the Privy Council was to continue until Parliament saw fit to alter or establish it. In the next two articles the feudal heritable jurisdictions and rights of the royal bughs were reserved.

Immediate difficulties did not involve the Court of Session. The Court of Justiciary of five judges, however, although it was unaffected in composition and powers, was held to be incapable of properly performing its functions because it sat permanently in Edinburgh.[122] Therefore, in accordance with English practice, twice-yearly circuits were introduced.[123] These would make it easier and cheaper for the ordinary man to obtain justice. Many prosecutions had been allowed to lapse under the old system because of expense and inconvenience; it was hoped the circuit courts would put an end to this. It is not clear how this innovation was received, but there could scarcely be any other objection than that it was 'English'. No further detail is available on this count except that a bill of June 1712 "appointing the Circuit Courts in that part of Great Britain called Scotland... to be kept only once in the year" received the Royal Assent on 21 June.[124]

Two courts that were "new in method, though not in name" had been constituted as provided for in Article XIX: the Courts of Admiralty and Exchequer. Their alteration had been necessitated by the establishment of separate commissions for revenue in Scotland.[125] "The Earl of Weemys, who was before

[122] Defoe, History pp 595, 596

[123] ibid pp 595,602. Defoe maintains that the Lords of Justiciary had formerly gone on circuit so that this step was not really an innovation.

[124] Hist.MSS.Comm. House of Lords (New Series) ix 1710-1712 254

[125] Defoe, History p 579; Burton History of Scotland p 213 indicates that the Court of Exchequer was merely for "collection of debts due to the Crown" though it later concerned itself with "adjustments of the feudal rights of landowners". It was not unpopular because it meant that at least these matters were settled in Scotland not England.

Lord Admiral in Scotland" became a Vice Admiral under the Lord High Admiral of Britain, and a member of the Prince of Denmark's Council.[126] All the lower courts of justice in the Admiralty were unchanged except those which "related to publick revenue, or the claims of the sovereign", and they were reorganized on the English model. The Court of Exchequer was completely reconstituted in the same form as its counterpart in England.[127] Nothing was done, Defoe stressed, contrary to the Treaty.

These measures do not appear to have aroused notable opposition; the matter of the justices of the peace was otherwise. Their history in Scotland went back to the time of James VI in whose reign they were first instituted. Parliament had attempted to reintroduce them in the reigns of Charles I and Charles II but "except for three years under Cromwell, the new magistracy had been little better than a name.[128] This is hardly surprising because their duties were bound to bring them in conflict with the old heritable jurisdictions whose strength had been sufficient to obtain their retention in 1707. Before the Union though, there had been no pressing necessity for an extension of local justices and the whole business was laxly administered. Defoe maintained that the justices appointed during and before Charles II's time had used their offices "negligently and arbitrarily" and

[126] Defoe History p 596

[127] ibid 596. It had "Barons, a Remembrancer, Treasurer, and all the respective Clerks and offices as in England. The first Barons were as follows: The Earl of Seafield formerly Lord Chancellor of Scotland Lord Chief Baron, Mr Baron Clark, Mr Baron Maitland, Mr Baron Smith, Mr Baron Stroop."

[128] Mathieson, Scotland and the Union pp 281, 282.

in consequence had been "laid aside" at the time of the Revolution.[129] But he was strongly in favour of their appointment after the Union. For one thing he objected to the heritable jurisdictions and was opposed to their retention on the grounds that they were dangerous to the liberties and happiness of Scotland.[130] He was not the only one who regretted their survival.[131] There was, however, another important reason for the erection of other courts of petty justice. The old jurisdictions did not generally extend to the burghs,[132] and the extraordinary increase in smuggling which was brought about by new duties and English methods meant that some increase in local justice facilities was vital. Accordingly justices of the peace on the Scottish model were introduced by the Scottish Privy Council on 15 August 1707; because they were new to the work they did not at first, according to Defoe, do a great deal.[133] Just as they were getting into their stride matters were once again thrown into turmoil by the abolition of the Privy Council on 1 May 1708. This meant that the justices had no legal authority between the time of the abolition of the Council and the issue of the new Commissions, which was not completed until August 1708.[134] To add insult to injury, because the English officers could not understand the commissions on the Scottish model the new ones were on the English model,

[129] Defoe History p 593. (Both Defoe and Mathieson quote Forbes' Justices of the Peace in Scotland 1707 as the authority for their statements. Defoe History p 595; Mathieson Scotland and the Union p 281)

[130] ibid pp 451, 593

[131] Lang, The Union of 1707 p 25 "The most patriotic Scots ... may regret that the ancient feudal superiorities by which a chief could force out his men to fight for the rightful cause were not got rid of at the Union."

[132] Burton, History of Scotland p210

[133] Defoe, History p 583

[134] ibid p 583

and at their head appeared the words "the most reverend father in Christ .... Thomas, Archbishop of Canterbury."[135] Whether this was deliberate or not is uncertain; that it roused the opposition of many Scotsmen was undoubted. Defoe, probably wisely, avoided mention of it.

He felt that only two real alterations had been made by the new commission. First, that justices of the peace received their commissions from the Lord Chancellor of Britain instead of from the now defunct Privy Council; second, that they had certain new powers such as "determining disputes in the duty of Excise, giving power of distress for payment, warrants for forcible entries in case of concealment of Customs and the like."[136] Two criticisms of them were that their functions frequently clashed with those of the old local jurisdictions,[137] and that the people furiously objected to their powers of search.[138] Defoe, though, went one stage further in support of the new system. He believed that the establishment of justices was not contrary to Article XIX, arguing ingeniously that, though "in the publick peace their methods were the same as in England", the new Act was nothing more than a revival of an Act of Charles II's Parliament (1661), an Act which, in spite of having fallen into disuse, had never

[135] Burton, History of Scotland, p 211; Mackinnon, The Union of England and Scotland, pp 363,365. Mackinnon remarks "the document was none the less palatable that it contrasted in its profusion of unintelligible and unwieldy technicalities with the simplicity of the old commissions issued by the Scottish Privy Council".

[136] Defoe, History, p 602

[137] Warrender Letters p xl (See Introduction to The Minutes of the Justices of the Peace for Lanarkshire 1707-1723 ed. Charles A Malcolm).

[138] ibid pp 1,2.

been rescinded and must therefore be accepted as being Scottish Law. Even if this had not been the case, the whole proceedings of the courts were according to the Scottish method and therefore not an infraction of the Treaty.[139] A balanced view would seem to be that the new arrangement was not legally contrary to the terms of the Treaty, but that the English showed a want of tact and understanding in the way they went about it.

So far then, Defoe believed that Parliament had done its best to carry out the provisions of the Trmty to the benefit of both peoples. This was also Burnet's belief.[140] The difference was that Burnet included the abolition of the Privy Council as a wise measure whereas Defoe did not. This had been included in the act which had created the new commissions of the justices of the peace, but had been very strongly opposed by the Government. At first the Government had argued that a Privy Council in Scotland was a necessity in order to maintain order - a view which was ridiculed by the supporters of the bill.[141] Everybody knew the real reason for the Government's desire to retain the Council: that it was a most valuable political weapon. Through it Queensberry and the ministers could maintain an unostentatious hold on the country;[142]

[139] Defoe, History, p 595. (The Act 1661 is quoted in Appendix No F 3, and the commissions shown in Appendix Part II No G 3).

[140] Burnet, History of his own Time iv p 224 "...and such was the disposition of the English to oblige them, and the behaviour of the Scots was so good and discreet, that everything that was proposed for the good of the country, was agreed to; both whigs and tories vied with one another, who should show most care and concern for the welfare of that part of Great Britain."

[141] ibid 223-224; Mackinnon The Union of England and Scotland p 364

[142] Mathieson, Scotland and the Union p 282.

moreover it was very valuable for influencing elections, and ~~in~~ an attempt by the Ministry to postpone the effect of the bill from 1st May to 1st October for this purpose, was defeated.[143] It seems certain that the "Squadrone" supported by Montrose and Argyll, had been the original mover in the attempt at abolition.[144] They were strongly opposed to Queensberry at the time. When the Ministry saw that their first move was not going to save the Council, they switched to a new line of attack. Godolphin argued that certain of the powers conferred on the justices of the peace encroached upon those of the Lords Regalities and the Sheriffs and Stewards and that, as these powers were reserved by Article XX, the abolition was contrary to the Union. (Hereditary Sheriffs and Stewards were invested with the rights of trying criminals, in the first instance, within fourteen days.) This argument was countered by the statement that in any serious cases of disturbances the Privy Council had always overridden these powers and acted immediately. It was contended that the justices were merely being empowered to do what the Privy Council had itself done, and that they were not likely to show any lack of consideration towards private rights.[145] It was this aspect of the affair that had aroused the ire of Annandale in spite of his pleasure at the "mortal blow" struck at the

[143] Burnet, History of his own Time iv 222

[144] Hist.MSS.Comm. Mar and Kellie pp 420, 425.

[145] Burton, History of his own Time iv 223; Mackinnon, The Union of England and Scotland pp 363-365.

Duke of Queensberry;[146] it also led Mar to speak of a direct breach of Article XX.[147] Both Mar and his brother Grange seemed to think no steps would have been taken then had it not been for the "Squadrone". But all these arguments were insufficient, especially as Scotsmen remembered the tyranny of the Council since the time of James VI and its persecutions from 1660 to 1668.[148] As a result the Act was narrowly passed by a combination of the Squadrone, the independent whigs and the Tories.[149]

The approval of Burnet was not shared by Defoe. As a Government agent he could hardly have approved. His ingenuous statement that the administration did not think the "time was ripe' for so sudden a removal of a stabilising influence, and that they merely sought to maintain the Privy Council, under Parliamentary regulation, for a limited period, carefully sidestepped the issue of control of elections.[150] In the event, however, the abolition of the Privy Council does not seem to have seriously inconvenienced subsequent administrations because of the system of election to the Commons. Gash's statement, "The machinery by which these seats were filled was controlled by a narrow oligarchy and invited all

[146] Lord Grange to Mar, 20 December 1707. Hist MSS.Comm. Mar and Kellie 423 "Annandale made a jest of the Council's being taken away, and lookt on it as a mortal blow to the Duke of Queensberry; but when he heard of the militia and heritable jurisdictions, he found no jest in that at all...."

[147] Mar to Lord Grange 10 February 1708 ibid p 427

[148] Burnet, History of his own Time iv 224, Mackinnon, The Union of England and Scotland p 365.

[149] Burton, History of Scotland pp 212,213; Feiling, History of the Tory Party pp 398, 399.

[150] Defoe, History, p 594.

the exercise of corruption and influence which government could bring to bear. From 1707 to 1832 Scotland resembled one vast totten borough", is borne out by the Lord-Advocate Francis Jeffrey, at the time of the Reform Bill of 1832.[151] At that time only about 4,5oo people sent 45 representatives to the House of Commons. The 15 burgh seats had as voters "self-elected town councils,"[152] while in the 30 county seats about half the 2,500 voters were landless; they had qualified as voters by buying "superiorities". These were a relic of feudal times which gave a man the right to "sell the property and fruits of the soil.....while retaining for himself the superiority over it...,"[153] and this entitled him to a vote. In course of time many superiorities had become completely separated from the question of land ownership; but the holder of a superiority certificate, however obtained, had the right to vote.[154] Because the franchise was so narrow corrupt practices inevitably sprang up; Gash maintains that Scottish members were very easily bought,[155] and generally formed

[151] Norman Gash Politics in the Age of Peel, p 36. "The system of Scotland," declared Jeffrey, the Lord-Advocate, and his words were never seriously challenged, "was not a representation of the Crown, nor of the Peers, nor of the great landed proprietors; but, excluding all these, it was only the representation of a most insignificant oligachy, not very high in rank or station, and of which the majority was even connected with the great landed interests."

[152] ibid, p 36

[153] ibid, p 37

[154] ibid p 37. "Jeffrey estimated that half of the 2,500 county voters merely owned superiorities and had no land of their own. In some constituencies the proportion of alndless electors was far greater. In Argyllshire only 31 out of 115 electors were landowners; in Bute only 1 out of 21; in Caithness 11 out of 47; in Dumbartonshire 19 out of 71; in Invernesshire 38 out of 88. But even apart from the character of these "Paper" or 'Parchment Barons', as they were styled in Scotland, the role of county freeholders in Scotland read like a list of pocket and rotten boroughs. The largest constituences, Fife and Perthshire, had less that 240 voters; the smallest (Bute Clackmannan, Cromarty, Kinross, Nairn, and Sutherland) had less than 30."

[155] ibid p 38

"a steady court and ministerialist party." Furthermore he contends that in general only those Members of Parliament who had the patronage of ministers lasted very long as members for the Scottish counties. We shall see that ministerial interference in the election of the sixteen peers was on a generous scale and proved as effective in Scotland as it did in the elections for the Lower House in England during Anne's time.[156]

Nevertheless it was clear that the Scottish Privy Council was of great value as a machine of intervention in Scotland and this caused Scots outside the Ministry and those in positions of importance to rejoice at the fall of the Council.[157] It was probably the practical value of the Council as a directing agency that caused Defoe, over three years later and just before he left once again for Scotland, to put in a plea for the formation of an equivalent to that now defunct body. His insistence fully accords with his views on management and he apparently had a sincere belief that the administrations of Scotland would be improved thereby, though he admitted the composition of the proposed body might be a difficult matter.[158]

His objections to this step then, were not so strong as to class it amongst infractions of the Treaty. He believed that "the law in Scotland remained intire"[159] and, with the reservation before mentioned, was satisfied that the British Parliament had not acted contrary to the interests of Scotland. Perhaps his own strongly expressed views, both before and after the Union, and particularly over the great Customs dispute and the Equivalent, had contributed to some extent towards this state of affairs.

[156] Fryde, The Treaty of Union p 69

[157] See below pp 104-105.

[158] Defoe to Harley, 3 September, 1711, Hist.MSS. Comm. Portland v, 82.

[159] Defoe, History, p 596.

CHAPTER II

Complications from 1708-1713

The Expedition of 1708. Even before the Union the possibility of an invasion in favour of the Pretender had been eagerly discussed by opponents of the Treaty, much to the alarm of the Unionists.[1] To the great relief of the latter, 1 May 1707 had come and gone without any sign of the invasion materialising, but the course of events since that date had done little towards conciliating the majority of Scotsmen. The Jacobites had made the most of every possible reason for discontent, as Defoe himself noted in July 1707, with the result that a large part of Scotland was in the greatest turmoil - notably the Highlands.[2] Much of this excitement had undoubtedly been caused by the mission of Colonel Hooke on behalf of Louis XIV and the Pretender.

Hooke had sailed from France and landed at Slains Castle in Aberdeenshire in March 1707.[3] Amongst the many difficulties with which he had to contend not the least was a fear on the part of the Scots that he was more concerned with serving the interests of the French King than those of the Pretender.[4] It was obvious to everybody how greatly the French position in Flanders would be eased if England could be thoroughly embroiled in Scotland. It was Hooke's business to convince the Scots of his disinterestedness. In the meantime his impressions of Scotland caused him to believe that the country was at boiling point and that neither Scotland

[1] Burton, History of Scotland, viii, 198

[2] Hist.MSS.Comm. Portland v, 425.

[3] Burton, History of Scotland, viii, 198; Lockhart, Memoirs of Scotland, 351 says at the end of February or the beginning of March.

[4] Lockhart, Memoirs of Scotland, 348

nor England was in any condition to offer much immediate resistance to a determined rebellion.[5] The military state of Scotland was the subject of comment by many; all were satisfied that she was completely unprepared.[6] Even Defoe, who might have been expected to put as good a face on matters as possible, stated forthrightly: "The standing forces were few. The militia just in the middle, between dissolving the old model, and erecting a new, so as they were absolutely disbanded, without commissions, without officers, and without any form. The fortifications were out of repair. The magazines empty. The new government unformed. The people divided. It must be confessed never was a nation in such condition to be invaded......"[7] Hooke then, was not at fault when he laid stress on both the inadequacy of military arrangements and the extent of dissatisfaction amongst Scotsmen.

His reports of the support which might be expected from the Scots nobility, however, shows that he was over-sanguine or gullible, or that, in the interests of Louis XIV, he wished to encourage with all his might a rebellion in Scotland, what ever the unhappy consequences to that country.[8] His dealings with the Scots nobility during his stay of about three months were remarkable for their variety and their humour, though it is scarcely likely that this latter aspect impressed itself upon the Colonel. Wherever he went prominent Scots took the greatest care to avoid committing themselves, and waves of ill-health appeared to radiate from him at the most inconvenient times. The Duke of Atholl suddenly contracted a mysterious illness when threatened with a visit, but he had reckoned without the determination of Hooke, who announced his intention of

[5]Burton, History of Scotland viii, 199.

[6]Seafield Correspondence 1685-1708, Second Series Vol III 1912, 445; Lockhart, Memoirs of Scotland pp 365, 366, 373-5; House of Lords (New Series) viii, 1708-1710 (1923), ix. The Earl of Leven, commander in chief inScotland wrote on 13 March, the day the French appeared in the Firth of Forth: "Here I am, not one farthing money to provide provisions or for contingencies or for intelligence; none of the commissions yet sent down; few troops and these almost naked ....."

[7]Defoe History, p 8; S.H.F. Johnston in the Scots Army in the Reign of Anne, Transactions of the Royal Historical Society (Fifth Series) iii, 14 also lays stress on the inadequacy of the army in Scotland.

[8]Mackinnon, The Union of England and Scotland. p 377; Lockhart, Memoirs, p 348

visiting the stricken peer in any case. He was only prevented from doing so by a polite statement to the effect that Lord Yester (the Duke's brother-in-law and a notable supporter of the Union) was at that time with him - a providential occurrence![9] Of the Duke of Hamilton, Burton remarks that "he excelled all his previous efforts in mysterious adroitness". Hooke made a special journey to meet him, only to find his agent and confessor Hall at the rendezvous with profuse expressions of regret from the Duke, who had suddenly been taken seriously ill.[10] All his other attempts to meet Hamilton were frustrated by smart avoiding action and, as we shall see, the Duke, ever careful to avoid committing himself, took the precaution of ensconcing himself in his English estate just before the invasion attempt became imminent. From this vantage point he was able to watch subsequent events with a semi-detached interest.[11] Of others who were careful not to sign any documents two or three may be mentioned. The Duke of Gordon refused to sign because he would not agree to placing the "king" in danger; the Earl Marischal was also sick; and the Earl of Breadalbane would only promise support when the "king" had landed.[12] The truth appears to be that many of the Scots nobility, and especially Hamilton, were very wisely loth to commit themselves before they had made certain the attempt was going to be a worthy one.

[9] Burton, History of Scotland, vii, 200; Mackinnon, The Union of England and Scotland, p 381.

[10] Mackinnon, The Union of England and Scotland, p 379.

[11] ibid., 397-398

[12] ibid., 384.

These were not the only difficulties with which Hooke had to contend, for the situation was complicated by a feud in Scotland that was reflected at the Court of St Germains. The Dukes of Hamiliton and Atholl had drigted into opposing camps, although it was believed with reason that both of them were in the interests of the Pretender. Many Scots could not forgive Hamilton for his shifty and timorous behaviour during the passage of the Act of Union.[13] Consequently the following of Atholl had increased,besides which he was reputed to have very great influence amongst the gentry in the north of Scotland.[14] These differences had led to considerable division and hot feeling in Scotland; at the Court of St Germains the Earl of Middleton, a strong supporter of the Duke of Hamilton, did all in his power to convince the Pretender that his nominee was the most worthy, while the Duke of Perth, an opponent of Middleton, went to work with some success on the Court of France and Hooke himself. Lockhart, whose allegiance was not in doubt, remarked acidly, that the Duke of Perth apparently prevailed as he had "more Interest with the Priests and Roman Catholics", so that Hooke first approached the Duke of Atholl.[15] From part of Hooke's Secret History and the Correspondence quoted by Mackinnon, this does not appear to be true.[16] He was evidently aware that the ex-queen favoured Hamilton at this time and himself believed that the Duke had greater influence with the Presbyterians than his rival, an important point. But Lockhart may be excused for his belief because Hooke undoubtedly got in touch with Atholl first and only approached Hamilton thereafter.[17]

[13] Lockhart, Memoirs, p 349

[14] ibid, p 349

[15] ibid., p 351

[16] Mackinnon, The Union of England and Scotland, p 377

[17] Lockhart, Memoirs, p 351

This was quite enough to sow dissension between the two groups especially as Atholl's party was less careful to ensure powerful French aid and bragged unwisely about its compact with Hooke.[18]

This compact had been arranged after a number of meetings at Scone during which Hooke and the Scots nobles had tried their utmost to gain the ascendancy. The attempts of the latter to persuade Hooke into agreeing that a large French force was a vital prerequisite of success in the rebellion were on the whole unsuccessful. He maintained that the defenceless state of the country, coupled with the burning zeal of the Scots for revolt must prevail, and the negotiators finding their protestations of zeal had acted with boomerang effect, were eventually silenced. Even Lord Kilsyth, sent by the Duke of Hamilton to demand stronger French support, was convinced and withdrew tearfully to inform the Duke of his change of face.[19] So a memorial, not a treaty, was finally drawn up and signed.[20] In this the Scots promised that an army of 30,000 men would be provided if the "king" would appear to lead them; there was no stipulation as to French aid but it was strongly advised that a body of 5,000 should be provided to help ensure the success of the expedition. This figure (or 6,000 as quoted by Lockhart) was not considered sufficient by the Duke of Hamilton, who insisted that 10,000

[18] ibid, 354

[19] Mackinnon, The Union of England and Scotland, pp 381-384

[20] ibid, p 388

was the minimum acceptable. Not unwisely, he argued that it was better to postpone the attempt than to spoil it through inadequate support.[21]

There was much to encourage Hooke, though, in these negotiations and in the state of Scotland as it appeared to him, for he was led to believe that even the Cameronians would support the revolt.[22] At the bottom of this was Ker of Kersland according to his own Memoirs, quoted by both Burton and Mackinnon.[23] Andrew Lang has established that, although Ker of Kersland was not the Cameronian leader, he undoubtedly had a great deal of influence over these men.[24] Certainly he was accepted by Hooke as a valuable Jacobite ally and did all he could to confirm this impression. He persuaded the Cameronians to declare in favour of the Pretender, if, in his manifesto, he would admit that he was a Papist but state that he would "cheerfully give ear to Protestant divices, and if they could convince him of an error from the Word of God, he would be glad to embrace the religion of his people."[25]

[21] Lockhart, Memoirs, p 357; Mackinnon, The Union of England And Scotland, p 384-385 has an interesting addition to make. "In a letter to King James dated 29th May 1707, "Sara Brown" (Hamilton) appears in his usual cautious mood. He lays stress on the fact that only a strong effort on the part of France will carry the country into active measures. A reinforcement of 15,000 (!) men, at least, will be necessary....If the object were only to seize Scotland, the number of reinforcements need occasion no dispute. But to come for Scotland alone was not worth the King's while... 'Either come with a strong power', he concluded, 'or wait the will of God. A weak effort can never be repaired.'" Quoted from Hooke Correspondence, II, 275-278. He wrote in similar terms to King Louis XIV.

[22] Lockhart Memoirs, p 346

[23] Burton, History of Scotland viii, 201-3; Mackinnon, The Union of England and Scotland, pp 389-393.

[24] Andrew Lang, A Romantic Plot against the Union. (The Union of 1707). pp75-92

[25] Burton, History of Scotland viii, 202. Quoted from Ker, Memoirs i, 46.

As a result he was supplied with the cipher then in use. In the meantime he had approached Queensberry and the Government and offered them all information on the plot in return for a small payment and the promise of more.[26] He was able to warn the Government of an attempt to seize the Equivalent, housed in Edinburgh Castle under a not very strong guard and finally, according to his own story, succeeded in persuading the Cameronians that they had erred in agreeing to support a "Popish prince" under whatever circumstances. They seem to have abided by this last decision, for in November 1709 with a letter from Ker to Harley was enclosed a paper from certain Cameronian officers, in which they referred to Ker's being able to "bear witness of (their) readiness to have opposed the French last year had they landed."[27]

Hooke left for France in June 1707 with the memorial in his possession and in addition a number of letters containing violent protestations of the support of the whole of Scotland for King James.[28] On the strength of his observations and these documents he submitted a paper to Louis XIV describing in the most glowing terms how easily success must fall to the lot of the rebels, and maintaining that England would quite likely succumb to an assault from the North, especially as Ireland was expected to revolt in sympathy. Even if England were not overrun the affect of civil strife on the war in Flanders must be considerable. Three things were necessary to ensure success: the presence of the Pretender; a body of French troops (preferably commanded by the Duke of Berwick) to support his landing and protect him while the Scottish forces assembled; ammunition supplies and money to start and

[26] Mackinnon, The Union of England and Scotland, p 392

[27] Hist.MSS.Comm. Portland iv 528.

[28] Mackinnon, The Union of England and Scotland, pp 388-389

continue the war. Finally he suggested various means of concentrating a sufficient fleet secretly at Dunkirk and so making the attempt a surprise.[29]

According to Lockhart the expedition had been planned for August 1707.[30] A few weeks before this date, however, news was received in Scotland that the invasion could not take place then, and the project was postponed time and again until all good Jacobites began to despair of its ever being put into effect. It was suggested that Almanza[31] had satisfied the French king, and that in any case Louis XIV was only likely to make use of the Pretender if it suited him. These, remarked Lockhart, were the feelings of the Duke of Hamilton, who now decided that affairs on his English estate in Lancashire demanded his personal attention.[32] But Lockhart maintains that the Duke, once there, sat up on no less than three nights waiting to hear of the successful landing, and would have escaped the guard set on him by a suspicious Government, forcing his way back into Scotland if necessary. His evening vigils, however, were doomed to disappointment, and he remained decorously in his house on hearing of Forbin's failure.

As early as September 1707 Defoe, who remained in Scotland until December of that year, had expressed concern about the increase of Jacobite activity and the danger that the French might persuade the Scots to rise by judicious bribery.[33] No serious note was taken of any preparations by

[29] ibid, pp387-388

[30] Lockhart, Memoirs p 358

[31] The great French victory in Spain.

[32] ibid p 381.

[33] Defoe to Harley, 18 Sep.,1707, Hist.MSS.Comm. Portland iv, 449.

by the enemy until December though, and then the only news available was that a French fleet was being fitted out at Dunkirk.[34] It was at first imagined that the ships were being prepared for an attack on a convoy commanded by Sir John Leake, assembling in England for Lisbon;[35] but on 16 February 1707-8 definite news arrived that the preparations were being made in order to invade Scotland.[36] Soon after the affair of William Greg[37] (January 1708) Burnet maintains that the news of the Scottish invasion was bruited abroad by the French, who evidently imagined that, as no fleet had been assembled in England, they were safe in rejoicing at the coming discomfiture of their enemies.[38] It seems to have come as a surprise to all, not least the English, that their own fleet was prepared with such rapidity. Orders for its formation were issued only on 17 February.[39] It looked as if the task would prove an impossible one, but good fortune favoured the Admiralty which was also well served by the officers entrusted with the task. Burnet describes

[34] House of Lords viii, 50

[35] ibid., 51

[36] ibid., 53

[37] A clerk in Harley's office who passed information to the French; his detection helped to undermine Harley's position.

[38] Burnet, History of His Own Time iv, 221-222.

[39] House of Lords, viii, 56.

the scene well: "Our greatest want was of seamen to man the fleet; for the ships were ready to put to sea; this was supplied by several fleets of merchant ships, that came home at that time, with their convoys: The Flag officers were very acceptable to the seamen and they bestirred themselves effectually, that with the help of an embargo, there was a fleet of above forty ships, got ready in a fortnight's time, to the surprise of all at home, as well as abroad......"[40]

It was well for the Union that the navy had been able to rally so expeditiously, for nothing else of any importance stood in the way of a landing.

The neglect of the authorities at this time was indeed culpable. True Defoe attempted to support the Government with regard to its land preparation by saying that the fortifications in Scotland were in such disrepair and the troops so few that any supplies etc. sent north would inevitably have fallen into the hands of the enemy.[41] These arguments, however, merely beg the question. The authorities had been remiss, as Leven's statements (Note 6) showed, and in spite of his predecessor Maitland's complaints.[42] Defoe himself explained in some detail how long it would have taken to assemble the troops in England and march to meet the rebels. There were thirteen battalions of foot in England of which not all were at full strength; another ten battalions under Cadogan were to be brought from Holland, to make a total of 17,500 men.

[40] Burnet, History of His Own Time, iv, 225; for similar comment see also Lockhart, Memoirs, p 369; Defoe, History p 4

[41] Defoe, History, pp 3-4.

[42] Lord Grange to Mar, 2 March 1707-8 Hist.MSS.Comm., Mar and Kellie v, 429. (A letter from the Queen to the Scottish Privy Council had been read; in it the possibility of invasion was mentioned) "The Council met, and after reading the Queen's letter, Major General Maitland was called in....Want of ammunition and arms....was taken notice of, and Maitland told that he had many times represented it to the Queen's Scots servants....and that he hoped now to be better provided in a short time."

The Dutch were also to prepare twelve battalions in case of need. But the first of these preparations could not have been complete in under six weeks to two months.[43] In the meantime, as Defoe's imagination pictured it, Edinburgh would have fallen; the Northern Highlands would have risen to add 30,000 men to those already landed; the Lowlands would have been at the mercy of the combined force and the whole of Scotland lost before the English troops had properly assembled.[44] Continuing in prophetic vein, he foresaw that the rebellion would eventually have been crushed but only at the cost of ruination to Scotland and a serious diversion of forces from Flanders - to the great advantage of France.[45]

All these dire consequences, however, were averted. The French did not land. A combination of circumstances, in which providence was held to have played a disproportionately large part, had ensured this.[46]

Admiral Byng, with his hastily assembled fleet, had arrived at Gravelines on 27 February, much to the dismay of Fourbin. Two days later Mr Charles Fleming, brother to the

[43] Defoe, History pp 7-10; House of Lords viii, 48. Sunderland's orders for transports for 600 horse from Ireland were not put out till 12 March; ibid, 263. The English troops did not begin to march north till 14 March; ibid, ix. Cadogan's troops only arrived at Tynemouth on 21 March.

[44] Mar to Grange, 12 March 1707-8. Hist MSS.Comm. Mar and Kellie v, 432. In this letter Mar's fears that Scotland would be ravaged, although the French would eventually be beaten are clearly set forth.

[45] Defoe, History, p 11.

[46] ibid, p6; Burnett, History of His Own Time iv 229.

Earl of Wigtown, was sent to Scotland to prepare that country for the French descent.[47] But Byng's appearance, coinciding with the arrival of the Pretender, had delayed the start of the expedition while Fourbin was checking on his orders from Louis XIV. Another accident then occurred to delay the French still longer: the Pretender got measles.[48] Meanwhile the weather had taken a hand so that Byng reported, "the wind being more westerly and looking as if it would blow and be dirty weather," that it had been necessary to return to the Downs for shelter.[49] This move left the coast clear for the enemy to sail out of Dunkirk, but it meant that Byng was in a position to intercept a suspected reinforcement from Brest. On 5 March a squadron under Admiral Walker arrived to reinforce Byng whose intention it was to sail for Gravelines three days later; but the Admiralty had been informed that the French troops were once again embarking, so they urged the necessity of speed upon Byng. He thereupon sailed (6 March), just failing to come up with eleven French privateers who made their way into Dunkirk.[50] Byng's desire was to remain off Dunkirk, but a very strong E.N.E. wind sprang up and forced him to take shelter the next day at Dungeness. The Admiral's letters to Sunderland showed that he was aware of the danger of this move; they also made it clear that there was no alternative till the wind abated. This he hoped would be soon.[51] As it happened he was able to set sail on 8 March and arrived between Calais and Dunkirk the following day.

[47]House of Lords viii, 149; Lockhart, Memoirs, p 369

[48]House of Lords viii, 37

[49]ibid, 239

[50]ibid, vi

[51]ibid, 70

Fourbin, seizing his chance, got clear of Dunkirk while the English fleet was sheltering. The weather, however, was too much for him as well and he had to take shelter in Nieupoort Pits.[52] This delay was a most unfortunate one for the French because a careful watch had been maintained in Ostend and the fleet was spied from a steeple there, the information of its presence, and its departure at 3 a.m. on 9 March being conveyed to the Admiralty by Cadogan, who also warned Byng in the course of the same day.[53] Cadogan was able to assure the authorities that the French troops aboard Fourbin's 26 vessels consisted of 15 weak battalions amounting in all to about 5,000 men. In the same letter he announced that his 10 battalions were ready to embark as soon as their convoy should arrive. The French thus got only about 15 hours' start on Byng,[54] and their course was destined to reduce this margin appreciably. They sailed deep into the North Sea in order to avoid being sighted from England[55] and "lest they should be taken short by the wind, and might be embayed, and consequently overtaken."[56] This in itself need not have been a grave disadvantage; but the fact that they made their landfall well notth of the Firth of Forth did lose them a great deal of time, as they had to make contact with the shore to find their whereabouts.[57]

[52] Lockhart, Memoirs, p 371

[53] ibid, p 373; House of Lords, viii, 39

[54] House of Lords, viii, 40; Defoe, History p 5 says the French had an advantage of :"Eight hours in time. Twenty five miles in space. And the ebb of the tide."

[55] Lockhart, Memoirs p 378 complains of the foolishness of this excuse offered by the French after the venture had failed. "England and all the world knew of their design."

[56] Defoe, History, p 5.

[57] ibid, p 6; Lockhart, Memoirs, p 378.

They did not eventually reach the Firth until the night of 12 March, some hours after a ship which had returned to Dunkirk because of being leaky and had not left until two days after the main fleet.[58]

In the meantime Byng had detached Admiral Baker with 11 ships to convoy Cadogan's troops and had himself sailed in pursuit of the French with 32 sail and one fireship.[59] Unlike Fourbin, he had hugged the English coast for fear of the damage the French might wreak amongst merchant shipping.[60] By the early morning of 13 March he had reached the Firth of Forth, at which time he sent a boat off to the Isle of May and discovered that the French had sent a frigate in to reconnoitre. After ascertaining that their fleet was still outside Byng, to reassure Leven, sent him a message describing what arrangements had been made to bring over the troops from Holland and explaining that he was about to pursue the enemy.[61]

Fourbin was not long in discovering the English fleet, which he immediately recognised as that which had appeared near Dunkirk. A gale of wind, "which came very timeously", helped him, after he had cut his anchors, to sail with all haste from this pressing danger.[62] His ships were cleaner and therefore had the heels of their enemies, all except one, the Salisbury, which was overtaken by Byng and captured after a struggle. A number of prisoners, including the Lord Griffen and two sons of the Earl of Middleton, fell into the hands of the English.[63] Twenty of the French eventually rendezvoused on 14 March when a council was held and it was decided to

[58]Lockhart, Memoirs, p 378

[59]House of Lords viii, 247

[60]Defoe, History, p 5.

[61]House of Lords viii, 248

[62]House of Lords, viii, vi. An extract from Hooke's Secret Negotiations.

[63]ibid, 43; Defoe, History, p 15

attempt another landing at Inverness. A storm arose however, the fleet became scattered, and Fourbin decided to sail for Dunkirk; an action which earned the fiercest of denunciations at the hands of Lockhart, who believed that this was merely part of the plan to embroil Scotland with as little cost to the French as possible.[64] The French had suffered heavy casualties[65] and, as it happened the expedition had been a disastrous failure, but the margin between success and failure was a very narrow one.

Meanwhile Edinburgh on 13 March had been a scene of turmoil and excitement. The news of the French arrival had spread like wildfire. Lockhart would have us believe that the vast majority of Scots in Edinburgh were ardently pro-Pretender.[66] Defoe admitted that the Jacobites were at that time particularly open in their demonstrations,[67] but it seems likely that Lockhart's picture of a few dour Scots gloomily viewing the jollifications of the rest of the city was somewhat overdrawn. Leven's small body of troops was in readiness and the feelings of both parties can be imagined as they awaited the result of Byng's chase. As soon as the sails of the approaching fleet were seen in the distance (14 March), all was hurry and bustle. The inhabitants of Edinburgh crowded out to get a front seat; the Earl of Leven drew up his troops on the sands of Leith - and to Lockhart's

[64]Lockhart, <u>Memoirs</u>, pp 372-373, 375.

[65]<u>House of Lords, viii</u>, viii. A footnote quoting from <u>Luttrell's State Papers</u>, vi, 289 "that near 2,000 of their men dyed in the expedition, and the rest very infirm."

[66]Lockhart, <u>Memoirs</u>. pp. 373-374.

[67]Defoe, <u>History</u>, p 11.

immeasurable disgust the fleet turned out to be Byng's![68] Wisely he had decided that the Firth was the primary objective of the enemy; his anxiety for its defence was shown by the fact that he remained there several weeks.

The French had complained that one of the reasons for the failure of the attempt was the disappointing reaction of Scotland.[69] Probably they had relied rather too much on Hooke, to whom it should have been obvious that many of the more level-headed members of the nobility were determined not to risk their heads until the Pretender had well and truly landed. Certainly very little incriminating evidence could be found. On the other hand significant evidence of opposition to the French attempt was to be seen. The Cameronians - who had bitterly opposed the Union, who had been involved in the "Romantic Plot", who had been counted upon by Hooke - joined, as we have seen, in a determination to resist the Pretender. Moreover the Presbyterian Commission of the General Assembly happened to be sitting in Edinburgh at the time. This body threw its considerable weight into the scale on the side of the established Government. It passed an Act which made only too clear the views of the true Presbyterians on Popery and Popish Princes: "....threatened with an invasion by an enemy that hath employed his power for the ruin of that holy religion which we profess and the enslaving of Europe....and being sensible of what we owe in gratitude to our only rightful and lawful sovereign Queen Anne....the ..Commission hereby appoints the first day of April next... as a solemn day of fasting, humiliation, and prayer...."[70]

[68] Lockhart, Memoirs , pp 374-375.

[69] House of Lords viii, viii. Luttrell mentions this.

[70] Defoe, History, pp 12-13.

Numerous presbyteries and synods sent addresses to the Queen and the Privy Council, while individuals played their part by subscribing sums for the maintenance of small bodies of men in the Queen's interest. Defoe contended that the stand of the ministers at this time was of great value in discouraging Jacobitism,[71] and the part played by Presbyterians in the subsequent rebellion seems to bear him out.

Mention has been made of the detention of the Duke of Hamilton on his English estate. This was not the only action taken by the authorities to preserve order. As the result of a Parliamentary Address to the Queen the Habeas Corpus Act was suspended.[72] On 9 March a letter from Sunderland to Leven announced the issue of warrants for the seizure of 31 people suspected of Jacobite sympathies.[73] This was followed on 22 March by a letter from the Earl of Mar to the Lord Advocate instructing the Privy Council to initiate a search for any who had landed from the French fleet and "any other persons who are disaffected to the Government..." No success attended this search, possibly because the Privy Council, whose days were numbered, was not very enthusiastic in carrying out the unpleasant task. Those who had been ordered to give themselves up on pain of treason, however, gradually drifted in, especially when it became clear that the invasion had failed.[74] It was around these men that great controversy raged.

[71] _ibid_, p14

[72] _ibid_, p 15; Burnet, _History of his own Time_ iv, 228

[73] _House of Lords_, viii, 77

[74] Lord Advocate to Earl of Loudoun, 6 April 1707. _House of Lords_, viii, 167.

Burnet maintained quite reasonably that there could have been no possible objection to the detention of the suspected men at a time of grave national danger. When no evidence of complicity could be found though, they should have been allowed to return to their homes, as by that time the danger of invasion had passed. He believed that the "Scotch Ministers" were behind the decision to take the men up to London for examination; they hoped thereby to "shew their zeal for the government", although unkind critics of the Ministers hinted that it might have been done to rouse Scotland to greater fury and so precipitate another more successful invasion![75] Defoe on the other hand felt that the disturbance and ferment in the country was so great that the Ministry had been virtually forced into taking this drastic step.[76] Whatever the reason the action was very unwise in view of the many complaints in Scotland over infringements of the Union Treaty. The Whigs seized upon this opportunity to cause embarrassment to Godolphin and championed the rights of the unfortunate Scots who had been conveyed to London in three batches. After some delay they were admitted to bail and released at the end of the period of suspicion of Habeas Corpus.[77] The Duke of Hamilton had also been brought to London and his admirer Lockhart believed he was the moving spirit in this highly successful Whiggish plot. According to him its fruits were to be seen in the next election of Scots Peers when, as a result of support from Hamilton and the Squadrone, "several of the Court party were thrown out."[78] Burnet makes no mention of the part played by Hamilton in the liberation of these prisoners, but he is also insistent on the role of the Whigs and their

[75] Burnet, History of His Own Time, iv, 252.

[76] Defoe, History, p 16

[77] House of Lords, viii, x; Lockhart, Memoirs, p 382.

[78] ibid., 383, Mathieson, Scotland and the Union, p 238 mentions that the Whigs got 5 peers into Parliament in the Scots election of 1708.

popularity with the men they had served.[79] The Duke's part in the release must have been widely publicised because the Earl of Mar complained volubly that, whilst he was very glad of the happy ending to this affair, the Queen and the Ministry were the only persons to whom the Scots ought to be grateful.[80]

Up to this stage the Government had been dealing with suspects against whom evidence could not be found. The prisoners from the Salisbury fell into a very different category. Their complicity was undoubted. Lord Griffen, elderly and already under sentence of outlawry because of his actions in William III's time,[81] was found guilty and sentenced to death. In his case, as in others, the Government showed a wise clemency, for he was reprieved at intervals until his death in 1710.[82] Lord Middleton's sons and various Irish officers taken at the same time were kept in prison until 1711, when they were released.[83]

Far otherwise was it with five Stirlingshire gentlemen who had been apprehended at the time of the expedition. They had been armed at the time and acting in a highly suspcious manner.[84] After examination at the hands of the Scots Privy Council, these men had been sent to London with the other suspects. Once there it became clear that evidence against them was very scanty and there were those who advocated setting them free. Amongst these was the Lord Advocate himself, but Sunderland wished to see some concrete results so he ordered the Lord Advocate to institute proceedings against the men.[85] They were accordingly brought to trial,

[79] Burnet, History of His Own Time iv, 252

[80] Hist.MSS.Comm. Mar and Kellie v, 443

[81] House of Lords viii, xii

[82] ibid, 74

[83] Defoe, History, p 15

[84] Burnet, History of His Own Time iv, 253

[85] Sunderland to Lord Advocate, 16 Sep,,1708, House of Lords viii 87-88

but before this happened an incident occurred which was to lead to their acquittal. Four witnesses, the most vital in the case, failed to appear so the Lord Advocate issued sentences of outlawry against them. As soon as this happened they discreetly let it be known that they would appear if the sentence of outlawry was withdrawn. In view of the value of these men as witnesses the Lord Advocate immediately decided to concur, issued another indictment containing the names of the four witnesses, and ordered that the trial should begin in 48 hours from that time. Two objections were made during the trial: the one that the four witnesses could not give evidence until they had been pardoned; the other that they had not been mentioned in the first indictment. The court upheld the latter objection and ruled that the case had not been proved. Both the Lord Advocate and the Judges concerned wrote voluminously to London explaining exactly why the one party was right and the other wrong, and this confusion helped to emphasise that the treason laws of Scotland contained loopholes.[86] Burton rather sourly remarks, "that it (the treason law) was ineffective was decided at once by the English lawyers, since it was different from the law of England."[87]

There seems to be general agreement that the provisions of the Treason Law in England were more satisfactory, or at

[86] ibid, 93-99

[87] Burton, History of Scotland, viii, 214.

any rate less rigorous, than their Scottish counterparts.[88] But this does not conceal the fact that the proposed alteration of the Treason Law to make it conform with the English system was a breach of Article XIX of the Treaty of Union. With the details of the Act we are not greatly concerned. Its passage was strongly contested by all the Scots and the Tories, and their combined opposition helped to tone it down in a couple of important respects.[89] The Scottish law of evidence demanded that a list of witnesses be submitted to the accused 15 days before the trial. Parliament proposed to abolish this provision on the grounds that it would lead to corruption of witnesses. The argument that a guilty man would be able to do this without previous notice and that the Act was therefore likely to bear hardest upon an innocent man who could have no conception of the direction from which the attack might come, evidently had its effect on the Commons. They ruled that the names of the witnesses had to be submitted ten days before the trial. On the matter of forfeiture of estates the Commons also introduced an amendment. Burnet had spoken in truly Christian fashion against forfeiture as barbaric and hateful;[90] others had held, quite rightly, that to introduce forfeiture in Scotland where so many estates were held in perpetuity or under long entails, was to alter those private rights which had been assured to Scots by Treaty. As a concession the Lords allowed marriage settlements involving tenancy for life in Scotland on English lines. The Commons went further. They abolished forfeiture for treason.

[88] ibid, 215; Mathieson, Scotland and the Union, p 286; A Selection from the Papers of the Earls of Marchmont in the Possession of the Rt.Hon.Sir George Henry Rose (1685-1750), iii Marchmont to Somers, 19 July 1709."I have ever been of the opinion, that the laws and the trials relating to treason were safer in England than in Scotland; I mean that innocent persons were more safe, and the guilty as obnoxious...."

[89] Burnet, History of His Own Time iv, 257

[90] ibid, 255.

But a provision was attached to both the witness and the forfeiture amendment. The Lords decided that the amendment should be enforced only after the death of the Pretender, and later of his two sons;[91] to this the Commons agreed, adding that "it should not take place till three years after the House of Hanover should succeed to the Crown."[92]

Defoe's attitude towards the Treason Act was significant. He remarked blandly that it was "not (his) business to enter into this dispute...."[93] He was too cautious to allow himself to be embroiled in a controversy which might have involved him in difficulties with the Government; besides which he probably believed that no good purpose would be served by entering the fray. His very silence is eloquent. A strong supporter of the inviolate preservation of the Treaty, he must certainly have been uneasy about the Treason Act. Had it been a matter of religion the probability is that he would have launched into print regardless of the consequences!

Religious Affairs 1709-1713. As it is with religion that we shall next be concerned, the validity of this statement can be tested. At a time when religious controversy was conducted with enthusiastic heat, Defoe might be expected to have some decided views on Church matters. His Dissenting sympathies are well known. It was The Shortest Way with the Dissenters that had originally brought about his imprisonment;[94] in March 1708, during his conflict with a Mr Webster over the Union, he had written a pamphlet The Dissenters Vindicated, followed by A Short View of the State of the Protestant Religion in Britain, as professed by the Episcopal Church in England, the Presbyterian Church in Scotland, and the Dissenters in both;[95] he had

[91] Mathieson, Scotland and the Union, p 286

[92] Burnet, History of His Own Time, iv, 258

[93] Defoe, History, p 16

[94] See Introduction

[95] Defoe to Harley, 18 Mar., 1708, Hist.MSS.Comm, Portland iv, 395.

in vain urged Harley to save them from the evil effects of the Occasional Conformity Bill of 1711 by making use of the Queen's power of veto on the grounds that she had promised to "preserve the toleration (of the Dissenters) inviolable";[96] he had later complained of the danger to Dissent contained in the Schism Bill.[97]

From all that can be learnt of his religious opinions his Puritanism was fairly violent,[98] but he was careful to avoid unnecessary brushes with the Church of England. This view is certainly strengthened by the attitude he took up towards Presbyterian Church problems. It will be remembered that, after he had at first inveighed against the "ministers" over their unsympathetic attitude towards the Union, Defoe eventually came to the conclusion that these very men were the corner-stone of the Union's settlement. It was his constant endeavour to preserve a good understanding with them.[99] His own religious opinions did not clash at all seriously with Presbyterian views and were therefore helpful towards the chief object of his post-Union connection with Scotland: the preservation of the Union.

[96] Defoe to Harley, 20 Dec.,1711, Hist.MSS.Comm.,Portland v, 30.

[97] Defoe to Oxford, 21 May, 1714, ibid., 444.

[98] Bateson, Defoe and Harley, Eng. Hist. Rev. XV (1900) quotes Defoe as having said of occasional conformity: "It is playing bopeep with the Almighty; it is damning one's soul to serve one's country: if the Lord be God, follow him; but if Baal, then follow him."

[99] Defoe to Oxford, 24 January 1711-1712, Hist.MSS.Comm., Portland v, 140

Bible Printing Controversy. The Kirk indeed found in Defoe a conscientious supporter of their point of view. One comparatively important example of his work in this connection is afforded by the Bible printing controversy. He first mentioned the matter in the middle of 1711;[100] six weeks later it cropped up again;[101] nearly two months thereafter he returned to the attack.[102] Apparently for years a Mr Anderson had possessed the privilege of printing the Bible in Scotland, but people unfriendly to the Presbyterians had raised the question of its disposal to others. Defoe justified his interference, not on the grounds (as he shrewdly remarked) that many families who had hitherto made a living in this way would be in danger of losing their means of subsistence, but on grounds of public policy. The Kirk, the true supporter of the Union, was in a ferment about it. Anything done to its injury must certainly be to the advantage of the Jacobites, whose pretensions were becoming more unbearable with every passing month. The uneasiness of the Kirk, shared by Defoe, can best be explained by quoting the substance of an address to the Queen from the original printers: "1. They say the printing of the Bible is put into the hands of one Papist, one nonjuror, and a whole society of men declared enemies to the Church of Scotland and to the Revolution.

[100] Defoe to Oxford, 7 June, 1711, ibid., 4.

[101] Defoe to Oxford, 20 July, 1711, ibid. 57.

[102] Defoe to Oxford, 7 September, 1711, ibid, 87-88. It is to be noted that from September 1711 to October 1712 Defoe was in Scotland. He was therefore able to measure very accurately the effect of the legislation of 1712. (See notes 65-66 Introduction).

2. That the grant is illegal in its nature, inconsistent with the Union, invades private rights and the known liberty of the subject."[103]

What ultimately happened is not clear; the importance of this incident is to be found in the stand that Defoe took. All his dealings with Scottish religion after the Union reveal no inconsistency; to him Presbyterianism, the established faith, must remain inviolate.

Toleration. Before the printing controversy had started the trouble over the Reverend James Greenshields had come to a head. This considerably affected the position and powers of the Presbyterian Church. The Act for Securing the Protestant Religion and Presbyterian Church Government had been carefully constructed so as to allow no alteration of the Kirk's powers and privileges either in the reign of Queen Anne or at any subsequent time.[104] Defoe pointed out that when toleration had been discussed at the time of the Union, the danger of its introduction had been made manifest. It was, he avers, because the ministers believed the Act to be a perfect insurance against toleration that it was accepted.[105] Without this Act the Union would never have come about.[106]

[103] ibid, 88

[104] This Act appears in full in Pryde, The Treaty of Union, pp. 105-107.

[105] Defoe, History, p 30

[106] Mathieson, Scotland and the Union, p 188.

By the Revolution settlement Prelacy had been abolished in 1689; the Presbyterian system had been recognised as the "only Government of Christ's Church within the kingdom of Scotland" in 1690; and in 1693 any minister or preacher had to take the oath of allegiance and acknowledge the paramountcy of the Kirk.[107] It is nevertheless true to say that the Episcopal Church still lived in Scotland and enjoyed a fair measure of toleration in the reigns of William and Anne, though the fact that many of its members were Jacobite made their position insecure.[108] But the Episcopal Church of Scotland was at that time a very different thing from its English counterpart; the English Prayer Book was particularly disliked and had not been used to any notable degree before Union. "...for twenty-eight years preceding the Revolution, when the Episcopal Church was (humanly speaking) triumphant in Scotland, they never admitted of the English Liturgy amongst them; nor was it ever attempted for one hundred years before, but once by Archbishop Land and his party, which attempt was the overthrow of all the contrivers, and it is more than probable may be so again......From the Revolution to the time of Union, during which time the Episcopal non-jurent Clergy in Scotland have erected several meetings or conventicles of their party for religious worship, they have had very little thought of the English Liturgy, but what of it is come among them, is a mere innovation thrust upon them by the artifices of a party, in part to claim kindred of the Church of England and partly to inflame and enrage the people of Scotland......."[109] In fact the more the case of

[107] House of Lords, viii, 358. These details are contained in the answer of the magistrates of Edinburgh to Greenshields's petition that his case be tried.

[108] Mathieson, Scotland and the Union, pp 190-192; Defoe, History p 27 says that Episcopal ministers who were prepared to take the oath were left "to enjoy the Presbyterian stipends and manses, and in some of their parishes the established Church Ministers preach by them in meeting houses to this hour, as Mr Ponton in Kinghorn, and others; if the Church of England will not call this toleration, they will find it hard to tell us what is toleration....."

[109] Defoe, History, p 27

Greenshields is studied the more one is inclined to believe that the upset was engineered in order to embarrass the authorities.

Defoe maintained that as neither the refusal to pray for the Queen nor actually praying for the Pretender had provoked any persecution, "they" discovered another expedient, one that was bound to succeed, the introduction of the English Liturgy.[110] For this purpose Greenshields was offered £80 per annum and urged to settle in Edinburgh; as he had been a curate in Ireland at £15 the advantage of the appointment must have seemed great to him. Yet he must have been a courageous man to enter the capital city of Scotland with the clear intention of introducing a form of worship which he knew must be anathema to the majority of its inhabitants. Defoe darkly hinted that the sponsors of Greenshields hoped a riot would occur.[111] It did not. But about that time the Commission of the General Assembly of the Kirk happened to be meeting, so an address was prepared by the citizens of Edinburgh as a result of which the Commission passed an act designed to scotch any introduction of the English Liturgy.[112] Greenshields, who had been warned in vain against preaching by the Presbytery of Edinburgh, was handed over to the civil power and, still proving contumacious, committed to the Tolbooth. His appeal to the Court of Session was quashed on the grounds that he had been ordained in 1694 by the Bishop of Ross after the abolition of episcopacy.[113] Greenshields then appealed to the House of Lords, so introducing a further complication into the situation.[114] His appeal was based on

[110] ibid, p 19

[111] ibid, p 20

[112] ibid, pp20-21

[113] House of Lords viii, 356

[114] See note 123, Chapter I

the grounds that there was no prohibition against ministers of the Church of England exercising their functions in Scotland and that in any case the Lords of Session had "proceeded on....new grounds for imprisoning him, and that these grounds are contrary to the priiciple and practice of the Church of Scotland, which admits presbyters to be ordained by exauctorated presbyters."[115]

No mention had been made of the House of Lords as a court of appeal in the Treaty of Union. In consequence the appeal was first opposed on the grounds that, as there had been no appeal to the Lords in Scotland before the Union, the House of Lords aftem the Union had no competence. The House decided otherwise by 68 votes to 32. Likewise the contention that the civil powers in Scotland had acted perfectly correctly in merely confirming a sentence passed by an Ecclesiastical Court was not accepted, and in March 1711 the sentences passed by the Magistrates and Lords of Session were reversed.[116]

This decision amounted to a declaration that the English Liturgy must be tolerated in Scotland. Fears that the Greenshields affair would have some such termination had been exercising Defoe and others for some time before. It is propbably impossible at this time to decide how far Defoe's arguments were based on his avowed objects and how far on a dislike of the Church of England. If, however, his sincerity for the Union is to be accepted as genuine, it must be admitted that he put forward a good case. He protested that he was not a "friend to coercions of any kind"; that the Episcopalians had in any event a large measure of practical toleration; that very few of these same men would be prepared to take the oath that must go with a toleration; that in short the whole was

[115]House of Lords, viii, 356

[116]ibid., 357

a well-arranged plot most dangerous to the Union.[117] He claimed that only with the greatest difficulty was the Commission of the General Assembly prevailed upon not to address the Queen about "invasion of churches in the north" a process in which he himself had played a part.[118]

After Greenshields had been set free, Defoe once again asserted that in his belief the affair must be regarded as a breach of the Treaty, but immediately set about evolving yet another of his ingenious schemes in order to counteract its evil effects in Scotland. His own actions and statements over the past three years "confirmed by letters from the ministers of state at that time and by Her Majesty's express command approving of the proceedings of the magistrates against Greenshields" should have provided the Kirk with ample evidence of the true feelings of the Court. He therefore proposed it should be his task to convince the Scots that the outcome of the recent case had been contrary to the wishes of the ministers in general and Queen Anne in particular; further, that every care should be taken to avoid any new trouble by "management",[119] a view also held by Lord Balmerino who urged the wisdom of providing Greenshields with a benefice in England to keep him out of the way.[120] The tone of Defoe's letters establishes one fact: that Harley must have

[117] Defoe to Harley, 1 Jan., 1710-11, Hist.MSS.Comm. Portland, iv. 650.

[118] Defoe to Harley, 9 Jan., 1710-11, ibid., 652-653.

[119] Defoe to Harley, 2 March, 1711, Hist.MSS.Comm. Portland, iv, 663-665.

[120] Lord Balmerino to Lord Oxford, 1 Sep., 1711, Hist.MSS.Comm., Portland, v, 81.

been in general agreement with him. Moreover this conclusion is strengthened when we find that Lockhart's endeavour to introduce a Toleration Bill in 1711 was, according to him, foiled by pressure of business and the opposition of the Lord Treasurer.[121]

Nevertheless toleration could scarcely be long delayed. Amongst the Scots peers, many of whom were in favour of it, there were yet men who felt, like Defoe, that the time was inopportune. The Earl of Mar, writing in 1710, considered that the kirk would gain security by "a legall limited toleration;"[122] but a year later, after the Toleration Act, the restoration of patronage, and the Christmas Vacance Act, though his opinions were unchanged, he still believed that these acts would cause very serious repercussions in Scotland.[123] Lord Marchmont too, a strong supporter of toleration, believed that the Greenshields affair had been "designed to make disturbance."[124]

With the principle of toleration, however, it is scarcely possible to quarrel. The modern view must coincide pretty

[121] Mackinnon, The Union of England and Scotland, p 414 quoting Lockhart Papers I, 338-340.

[122] Mar to Grange, 10 Feb., 1710, Hist.MSS.Comm., Mar and Kellie v 483.

[123] Mar to his brother the Justice Clerk (Previously Lord Grange), 13 March, 1711-12, ibid., 497.

[124] Marchmont to Baillie of Jerviswood, 27 March, 1710, Marchmont Papers, iii, 365

closely with that stated by this same Lord Marchmont in 1710.

"It seems to be very incongruous that the protestants in Britain, who take the ties of allegiance to the sovereign, should be debarred from any civil or social benefits whereof they are capable, because of differing from one another in the modes and forms of worship, and that which is called church government in distinction from civil; but it is extremely strange, that two modes of church government being by law established in the kingdom of Britain, one in the south part, the other in the north, the followers of one or the other, according to persuasion, should be intolerable upon the one side or upon the other to enjoy the benefits of civil society..........."[125] Numerous others must have held the same views. Indeed Mathieson believes that the Act for securing the Kirk was designed merely to secure the establised Church in Scotland and not to clamp down on dissent. He contends that the Act would have been much more explicit had the Assembly really wanted to eschew toleration for all time.[126] Yet there must have been many who believed as Defoe did, that the Act was designed for that very purpose.

Burnet was not one of these. He dismissed the parliamentary side of the bill with scant ceremony: "this (a toleration) seemed so reasonable that no opposition was made to it."[127] A statement not altogether correct. A deputation led by William Carstares had been sent by the General Assembly to the House of Lords. However moderate his opinions might have been and in fact were (for Carstares, as all documents testify, played an outstanding part in restraining the more hot-headed ministers during the whole of this troubled period),

[125] Marchmont Papers, iii., 365-366; Marchmont also wrote to one Robert Pringle on 31 Aug., 1711, ibid., 381, in favour of "...a charitable and christian toleration of Protestants, whether of the Church of England or of Scotland, or such as differ from both, though they agree in the fundamentals of our creed....."

[126] Mathieson, Scotland and the Union, p 211.

[127] Burnet, History of His Own Time, iv, 356

this deputation conceived that the Act tampered with the rights of the Kirk as established at the Union.[128] Neither the deputation nor any other opposition had much effect on the passage of the measure, which was supported, interestingly enough, by many of the Scots peers.[129] It received the Royal Assent on 3 March.

Certain details, however, are of considerable interest. By one of its clauses the magistrates were forbidden to put into effect the sentences of Church courts. As Burnet remarked, there could have been no objection to such a clause provided it related only to sentences passed on persons tolerated by the Act; by making the effect of the clause a general one it took away the support of the civil power from the church, and so greatly weakened the latter.[130] Another objection, that Roman Catholics as well as Episcopalian priests might be protected by the Act, led to the insertion of a clause which gave the toleration only to those ordained by Protestant bishops.[131] In addition, the Abjuration Oath was inserted. This is of particular interest because of its form and its calculated effect on both Presbyterians and Episcopalians.[132]

[128] House of Lords, ix. (1710-1712), 196-197.

[129] Mar to his brother the Justice Clerk, 14 Feb., 1711-12, Hist.MSS.Comm., Mar and Kellie, v 494.

[130] Burnet, History of His Own Time, iv, 356.

[131] House of Lords, ix, xxi

[132] Burton, Hist. of Scotland, viii, 226

The Whigs had originally introduced it because "it was well known that few if any of them (the Episcopalians) would take the oath."[133] As they were largely Jacobite in sympathy they would naturally avoid it on political grounds. Not to be outdone, the Tories plausibly demanded that the oath should be made to apply also to the ministers of the established church, well knowing that certain points would stick in the gullets of the Presbyterians. In the first place the two churches were bracketed, which was considered a grave injury by the senior body; but, much more serious, the successor to the British throne had to be a member of the Church of England. It was hardly surprising that many Scots should be aghast at swearing an oath implying acceptance of a Church some of whose doctrines they regarded as being heretical. They had no objection to the Hanoverian Succession; indeed they were solidly in its favour because it was the one effective means of preserving them from the machinations of a Popish Stewart. But many of them were still much inclined to regard prelacy as being little short of devilish. An attempt by Carstares to alter the effect of the clause of abjuration by changing the word "as" into "which", so softening the blow, was at first accepted by the Upper House, but, on its rejection in the Lower House, the original wording was allowed to stand.[134] The oath was to be taken by 1 August; this date was later changed to 1 November.[135] In fact the oath was never seriously enforced.[136]

Soon afterwards another Act (Yule Vacance) established certain days in the Christmas season as holidays during which

[133] Burnet, History of His Own Time, iv, 357

[134] ibid,. 357

[135] Burton, History of Scotland, viii, 225

[136] As Carstares suspected. In a letter to Oxford, Hist.MSS.Comm., Portland X, 277, he remarks that some had hopes the Government would "connive at the refusers of the Oath" and wished that this would be so.

the Courts of Judicature should not sit. As such holidays were against Presbyterian principles this was yet another pinprick. It was "intended only to irritate" said Burnet.[137]

The effect in Scotland of the Toleration and the Abjuration was immediate. Defoe found that many ministers in the West and South were in favour of taking the oath,[138] but the people in general had been roused to such a pitch of fury that a number of ministers were fearful of qualifying. Some of these he persuaded to take the oath privately. In Edinburgh he believed there were only four who would refuse. It had been clear in the Assembly of 1712, which many clergy who were not members of that body had attended, that a majority of those present, and especially the younger ones, were in favour of taking the oath.[139] When the time came for swearing, the large majority of the established church conformed and the "non-jurors" were few; of the episcopalians, on the other hand, very few qualified.[140] Within the kirk itself a storm of some violence raged. The "non-jurant" members accused their more pliable brethren of weakly submitting on a matter of cardinal principle and the people, particularly "in the West", openly showed their contempt of the "jurants".[141]

[137] Burnet, History of His Own Time, iv, 357-358.

[138] Defoe to Oxford, October, 1712, Hist.MSS.Comm., Portland v, 242.

[139] Burton, History of Scotland, viii, 233-234.

[140] ibid., 234. "...few of the Scots Episcopalians took the oath ....The clergy who took the oaths were generally members of the Church of England; and those Episcopalians who did not choose to be counted Jacobites gathered round them, and were considered a sort of branch of that Church, using as we have seen, the English Prayer Book."

[141] Defoe to Oxford, 11 April, 1713, Hist.MSS.Comm. Portland v 277; Burton, History of Scotland, viii, 237-240 gives a vivid description of how the Cameronians met at Auchenshauch (July 1712) and there renewed the Covenant and showed their detestation of the Oath of Abjuration - amongst others.

Some interesting sidelights are thrown on the question by the correspondence of the Duke of Atholl with Oxford in 1712 and 1713. Atholl had been appointed Commissioner of the General Assembly for 1712 and warned the Lord Treasurer that there was a movement afoot to address the Queen on the subject of Toleration and Abjuration; he asked for instructions as to how far the Assembly should be allowed to go.[142] Both Atholl and the Moderator the Reverend William Hamilton, were satisfied that the Assembly contained many moderate men, but that even these would demand some form of address. In the event the addresses were mild in temper and such as could happily be approved by the Commissioner. Atholl particularly mentioned a number of peers, "the Earls of Rothes, Buchan, Kilmarnock and Lord Ross" as having been most helpful, whilst "the Moderator and Mr Carstares did all that could be expected of them."[143] In the next year he was once again Commissioner, and made the interesting statement that it was considered wise to choose the Reverend Mr Wishart as Moderator "since otherways it was feared the votes might have been split on any other, and by that means a non-jurant might have been chosen, which would have looked ill, both on the Queen's account and on the Assembly's."[144] In spite of these divisions the Assembly in 1713 was successfully managed, apparently not without some anxious moments for the Commissioner.[145]

[142] Atholl to Lord Treasurer, 2 May, 1712, Hist.MSS.Comm., Portland v, 172.

[143] The Reverend William Hamilton to Oxford, 10 May 1712, ibid 173; Atholl to Lord Treasurer, 15 May 1712, ibid., 174-175

[144] Atholl to Lord Treasurer, 1 May, 1713, ibid., 288

[145] Atholl to Lord Treasurer, 12 May 1713, ibid., 290 "I am now heartily wearied with Kirk affairs......."

It is of interest to note that the Abjuration Oath was re-enacted in 1715 "in a form which ought to have put its innocence beyond rational doubt." [146] Yet Duncan Forbes, a moderate and later himself one of the great Lord Advocates of Scotland wrote to the Lord Advocate and expressed a wish that the oath should be further modified. [147] This was done in 1719. [148]

Patronage. In the meantime, in spite of the opposition of Harley and Carstares, the Patronage Act had come into force in May 1712. [149] Coming immediately after the other demonstrations against the kirk, its introduction into the Commons caused Carstares' deputation no small concern. A petition representing that the measure was contrary to the Act of Security, was immediately drawn up and submitted to the Lords. [150] But the petitioners had got off on the wrong foot, because the document was addressed only to the Peers of Great Britain and carefully omitted any mention of the Lords Spiritual. From a practical point of view this was a grave error. In order to have the petition accepted its authors were thus forced to change the address, and include the bishops, they therefore

[146] Mathieson, Scotland and the Union, p 212.

[147] 27 December 1718, More Culloden Papers, II, 190

[148] Mathieson, Scotland and the Union, p 236.

[149] ibid., 210.

[150] 12 April, 1712, House of Lords, ix, 235.

abandoned their position of principle, so disgusting their more rabid supporters, and in any case failed to stop the bill from passing into law.[151]

Its passage had been remarkably quick, little opposition being offered. Its great unpopularity probably arose more out of the eventual schismatic effect of patronage - both Mathieson and Burton are agreed that it had a negligible immediate effect - than out of the Act itself.[152] True the dictatorial phrasing thereof is said to have annoyed jealous Presbyterians[153]; and it was bound to be a contentious measure because of the confusion attending the previous Act concerning patronage (1690). By that Act patrons were to receive compensation for the abolition of their rights; the one side claimed that patronage had been abolished and that compensation was merely incidental, while the other claimed that, unless compensation was received, the patron's rights remained. There were valid grounds for either viewpoint in the phrasing of the measure.[154] What is significant though is that between 1690 and 1712 only four parishes took the chance offered of extinguishing patronage. In these circumstances it is difficult not to agree with Mathieson that at that time it could hardly

[151] Burton, History of Scotland viii, 230. Burton refers to an interesting fact from Parliamentary History, vi, 1127-1130. "There was then a Low Church majority in the Episcopal Bench, and five bishops voted against the Patronage Act. It was observed at the time that the bishops cared less about the recognition of their order, than some temporal lords about a precedent that might bring the bishops under the denomination of peers."

[152] ibid., 232; Mathison, Scotland and the Union, p 237 says it had little effect "for thirty or even forty years."

[153] Burton, History of Scotland viii, 231

[154] ibid., 230-231.

have been considered so heavy a burden as it was subsequently.[155] The Act of 1712 restored all patrons who had not renounced their rights, provided that they were prepared to take the Abjuration Oath and, if they were suspected of being Roman Catholics, that they renounced the Roman Catholic faith.[156]

The restoration of patronage did not cause such grave alarm as had the toleration and the oath; but, coming on top of these less popular edicts, it undoubtedly raised the anxious fears of the Kirk.[157] Consequently it is no surprise to find that the Assembly of 1712 also addressed on the subject of patronage.[158] All indications, however, are that the ministers of the Kirk, with some exceptions, followed a middle path which argues convincingly in favour of Mathieson's thesis that increasing moderation was the hallmark of the leaders in religion at this period. People were tending to accept the religious position as it had developed and were now preparing "to devote themselves to more profitable pursuits."[159] The story of the Union, with its insistence on trade interests, points in this direction as well. That the actions of the British Parliament in 1712 did not produce immediate and dangerous outbreaks in Scotland, as Defoe feared they would, helps to reinforce this view. Part of the reason for the comparative absence of such disturbances certainly lay in

[155] Mathieson, Scotland and the Union, 209; Pryde, The Treaty of Union, p 57 is nevertheless strong in his condemnation of it: "When every allowance is made, it remains true that patronage was much the greatest single cause of disharmony in the 18th and 19th centuries; it did not bring back the Episcopalian-minded nobles and lairds in any numbers to the national Church; that the General Assembly annually but vainly protested against it for seventy years; and that..(it) ..was deliberately engineered by mischief-making Jacobites and Tories....in order to confound the Whigs and Presbyterians, although there were responsible statesmen in both parties who knew it to be rash and indefensible."

[156] ibid, p 210.

[157] Burnet, History of His Own Time, iv, 358

[158] Hist. MSS.Comm., Portland v, 175.

[159] Mathieson, Scotland and the Union, pp 16-17.

the fact that the Government had not "prosecuted the penal part of the act" (of Toleration). Defoe's advice was that the authorities should continue with their wise policy as it would be less dangerous for the loyal ministers to labour under a disadvantage.[160]

The Scottish Secretary. Religious troubles were not the only ones that exercised Scots at the time. One of their lesser concerns was the question of a Scottish Secretary. In 1707 Scotland had two Secretaries of State, the Earls of Loudoun and Mar; the former remained in office until May 1708 and the latter until February 1709.[161] He was succeeded by the Duke of Queensberry who was, however, appointed as third Secretary of State and not specifically as Scots Secretary.[162] In practice for the first part of his term he was able to concern himself only with his own country's business because of a conflict between himself on the one hand and the other two Secretaries, Sunderland and Boyle, on the other. The quarrel arose, not because they objected to his desire that

[160] Defoe to Oxford, 11 April, 1713, Hist.MSS.Comm., Portland v, 277.

[161] Mark Thomson, Secretaries of State 1681-1782, p 29. Their new patents, at Union, were to "write, docquett and present to Her Majesty all gifts, warrants and signatures, passing Her Majety's hand concerning Scotland only, or passing the seals there."

[162] Mar to Grange 3 February, 1708-9, Hist.MSS.Comm., Mar and Kellie v, 480. "Im a little while ago come from the Council, where the Queen declared the Duke of Queensberry one of the Secretaries of Great Britain......" Mar received a pension of £3,000 per year during Queen Anne's lifetime.

some of the foreign business should be handed over to him but because he contended their fees should be evenly divided. They pointed out that "the profit arising from Scots business were much less than half of the total profits of the Northern and Southern departments."[163] Their quarrel continued until Sunderland's dismissal in 1710, when Queensberry remained in office, got his share of the fees, and in addition took over the business of Russia, Poland, Denmark and Sweden. This position he retained until his death in July 1711; at that stage Oxford, as Lord Treasurer, had to decide whether to appoint somebody else to the office or not. There is reason to believe that he was influenced in the decision he took by a letter from Defoe on 13 July, 1711.[164]

Defoe began by stating that his remarks need not be at great length because he knew that Oxford held similar views. He then summarised a number of forceful objections to the continuance of the office. The chief business of the Secretary appeared to be to act as a sort of "Court of Request", and every trifling grievance was judged worthy of being brought to the notice of the Queen. Apart from the great pressure of business in this connection there was very little work attached to the position. In consequence the argument that abolition would throw too great a burden on the other Secretaries was groundless, as he maintained that one clerk would comfortably deal with business other than the petitions. Thomson believes that this was true over the whole period 1707-1746; it was in 1746 that the last Scottish Secretary resigned his office:

[163] Thomson, Secretaries of State, p 31.

[164] Hist.MSS.Comm., Portland v, 44-47.

"The Northern kingdom afforded little work to the Secretaries. There were warrants to countersign but not very many. There was correspondence to conduct but not much; the Secretaries corresponded with the Commander in Chief in Scotland, with the Lord Advocate and with the Lord Justice Clerk. They sent orders to the Sheriffs though not often. They notified the king's commands to the proper persons in Scotland. They received petitions and either laid them before the king or referred them, if relating to money matters, to the Treasury."[165]

Another reason for abolition, Defoe felt, was that after Union it was not only unnecessary but also undesirable that the old separation of Scotland from England should be perpetuated when there was no greater reason for it than for the appointment of Secretaries for Wales or Yorkshire. Interestingly enough this was the view of Lord Marchmont.[166] Two and a half years previously and for the very same reason he had stressed the desirability of the position not being one for a purely Scottish official.[167] True his attitude had altered nine months later under pressure of circumstances. By that time he had found that all his or any other people's arguments could not convince Scots in general of the wisdom of abolishing the Scottish Secretary. "I plainly see that the union, though settled, is not yet so habitual to people here, as to admit of such a motion."[168] They believed the official represented their interests and clung to him desperately.

This provided yet another argument for Defoe. He was satisfied that nobody but a Scotsman would be acceptable to to his countrymen, for a post whose terms of reference were so narrow. In its turn the requirements led to several other

[165] Thomson, Secretaries of State, p 38.

[166] Who had a distinguished career in William's time, eventually becoming High Commissioner of Scotland in 1698. He was a member of the Squadrone and, partly for that reason, was out of office during the reign of Anne.

[167] Marchmont to Alexander Cunningham, 19 Feb., 1709, Marchment Papers iii, 347

[168] ibid, 357-358

weaknesses: whoever was chosen some party would benefit and those whose nominees had not been successful would certainly complain;[169] the extra post was an unnecessary expense; but most important it meant that the Secretary "constitutes himself a kind of Governor of Scotland, since he becomes quietly and gradually.....the medium of all transactions between Her Majesty and the people of Scotland, and makes those people more depending on him than perhaps is fit for any particular person on that side to boast of." There is no doubt that the Scottish Secretary exerted a considerable influence on Scots elections and appointments. Duncan Forbes after he had become Lord Advocate,[170] wrote to the Secretary of State for the Southern Department, Newcastle, expressing great pleasure at the termination of Roxburgh's appointment and with it the temporary suspension of the post. He believed that the position had been used for party purposes and only good could come from the conduct of Scottish affairs by an impartial head.[171] Whilst noting that the disappearance of the third Secretary inevitably meant a great increase in the power of Forbes himself, his reputation of a just and

[169] As Lord Marchmont did of Queensberry's appointment ibid., 358 Jealousy of Queensberry is also very evident in a number of the Earl of Islay's letters. e.g. Islay to Harley, 1 Nov., 1710, Hist.MSS.Comm., Portland iv, 622 and another letter 9 Nov., 1710, ibid., 625

[170] More Culloden Papers ii, 242. "On 29 May, 1725....The appointment was made at a time of peculiar importance, synchronising with the removal from the Secretaryship for Scotland of the Duke of Roxburgh.....As shown by W.L. Mathieson (Scotland and the Union) a period now opened during which Scotland, though nominally governed by one of the two English Secretaries of State (The Duke of Newcastle) was really governed by the Earl of Islay and Duncan Forbes under Walpole's superintendence."

[171] Duncan Forbes to Newcastle, 31 Aug., 1725, More Culloden Papers ii, 323.

upright man nevertheless adds weight to the views held.[172] Other indications of the power exercised by the Secretary are to be found in various references to the election of the Sixteen peers to the House of Lords under Article XXII of the Treaty.[173] In the election of 1710 it is evident that Harley and the Court supporters were at great pains to reduce the influence of Queensberry.[174] The task of drawing up the list of sixteen peers was entrusted to the Earl of Islay, who was righteously indignant that Lord Glasgow should have shown "to everybody a copy of a letter the Duke of Queensberry has written to the Duke of Hamilton wherein he tells him that he hopes he will support my Lord Glasgow as one the Queen declared at London her inclination to have chosen. This is such an affront to us who received the Queen's commands upon promise of secrecy that I think I used no hard words when I said it was either lies or treachery or both." Islay and Argyll his brother were so open in their statements that the Queen had ordered the list to consist of "such and such" and no others that they came in for a rebuke at the hands of Defoe. He complained that the election of peers had been successful,[175] not because of the methods of Argyll and Islay, which had

[172] Mathieson, Scotland and the Union, p 377 spoke of his death in 1747 as being the loss of the greatest friend of the Union who had helped more that any other man to consolidate it "and in him the constitution lost its most zealous, disinterested and enlightened friend.,". It is only fair to add that Burton, History of Scotland viii, 357 refers to him as "a great and worthy moralist, but a very bad political economist."

[173] This article was amplified by "The Act settling the manner of electing the sixteen peers and forty five commoners to represent Scotland in the Parliament of Great Britain."

[174] Orrery to Harley, 29 Sep., 1710, Hist.MSS.Comm., Portland, 603. Islay to Harley, 1 Nov., 1710. ibid, 622.

[175] This success mentioned in a letter from Orrery to Harley, 15 Nov., 1710, ibid., 628-629.

roused great dissatisfaction, but because of the weakness of their opponents, amongst whom was the Earl of Glasgow.[176] Defoe himself was apparently heartily in accord with the "management" of the elections but believed it should be done quietly; nevertheless it was a serious cause of dissatisfaction as can be seen by the occurrences of 1733.[177]

After this diversion we return to the Scots Secretary, The Duke of Hamilton and the Earl of Mar were both anxious to succeed Queensberry and Oxford had the disposal of the office in his hands. Probably for reasons such as these adduced by Defoe, he decided not to renew the appointment. As a result Bolingbroke annexed Queensberry's work and rapidly gained in influence and power.[178]

[176] Defoe to Harley, 18 Nov., 1710, ibid., 629

[177] On 1 Dec., in that year the Duke of Hamilton, the Marquess of Tweeddale, the Earl of Aberdeen, the Earl of Marchmont, the Earl of Strathmore sent to the Dukes of Queensberry, Montrose and Roxburgh an "opinion" and a "resolution" which are self-explanatory. The opinion: "We are of the opinion that a nomination of sixteen Peers to sit in the Parliament of Great Britain, as representing the Peerage of Scotland, by any minister, is contrary both to the letter and spirit of the twenty-second Article of the Treaty of Union....such a nomination is highly injurious to the honour and interest of the Peers of Scotland, who have an undoubted right to an open and free election." The Resolution: "...the said nomination should be by a majority of the Peers, who shall concur in this measure." (Signed by Hamilton, Strathmore, Tweeddale, Aberdeen, Kincardie, Bruce, Glasgow, Dundonald, Marchmont). Marchmont Papers, i, 4-9. In the next year there was considerable talk of impeaching Islay for corruption but five years later nothing had been done about it, though the matter was still being discussed! ibid., 44

[178] These and subsequent details on the Scottish Secretary taken from Thomson, Secretaries of State, pp 32-37.

So much so indeed that in September 1713, fearing the growth of Bolingbroke's inflence, he persuaded the Queen to appoint Mar as third Secretary.[179] He might have been trying to conciliate the Scots by this move, which incidentally gave Mar no power over foreign affairs and confined his influence almost entirely to Scotland; he certainly annoyed Bolingbroke. Mar held the psoition until the accession of George I when the Duke of Montrose, a member of the Squadrone, succeeded him,"only to be turned out in less than a year" because of the ascendancy of Argyll.[180] From 1716-1725 another Squadrone man, the Duke of Roxburgh, held the post but was dismissed because of a suspicion that he favoured the Scots opposers of the Malt Tax of 1724. Newcastle then took over his functions but inevitably affairs within Scotland fell into the hands of others, notably Argyll and Islay and the Lord Advocate Duncan Forbes. The dominance of Argyll and Islay led to many bitter reflections on the part of Lord Marchmont;[181] and even talk of impeachment of the latter on charges of corruption;[182] the swing of the pendulum eventually brought a member of the Squadrone, Lord Tweeddale, back into office as third Secretary (1741). He had control of Scottish affairs until 11 Jan., 1746 when he resigned. Newcastle again took over and from then until 1827 Scotland was managed, under the Home Secretary, by a number of notable Scotsmen, the outstanding one of whom was Henry Dundas, later Viscount Melville.[183]

[179] Thomsons interesting description of the relative powers Of the Lord Treasurer and the two Secretaries explains what advantages these offices held in the struggle for Premiership. <u>ibid</u>., pp 12-16. (see also notes 15-20 Introduction).

[180] <u>ibid</u>., p 34

[181] This was Alexander (Lord Polwarth) who succeeded to the title on the death of his father in 1724,

[182] See above, note 176.

[183] Mackenzie, <u>Scotland in Modern Times</u>, pp. 56-57.

The Peerage. Another controversy involving the Duke of Queensberry had broken out in 1709. In that year he had been created a Peer of Great Britain under the title of Duke of Dover. His belief that this did not prevent him from exercising his vote in the election of the sixteen peers was contended and the matter became before the House of Lords.

There it was argued "that if a Peer of Scotland, being made a Peer of Great Britain, and still retaining his interest in electing the sixteen from Scotland, this would create a great inequality among Peers; some having a vote by representation, as well as in person: the precedent was mischievous, since by the creating some of the chief families in Scotland, Peers of Great Britain, they would be able to carry the whole of the election of the sixteen, as they pleased."[184] None of the Peers were inclined to support Queensberry, especially as in February 1707 the House had ruled that Argyll, who had been made Earl of Greewich in 1705, had no such vote.[185] So Queensberry sat in the House of Lords as a peer of Great Britain but had no vote in the Scottish election. This decision caused no great stir since it was perfectly reasonable. The sequel, however, was to annoy the Scots nobility beyond measure. Most of their other grumbles seemed to pale into insignificance beside it.

On 10 September 1711 the Duke of Hamilton was created Duke of Brandon and a Peer of Great Britain.[186] The natural assumption was that he would be able to take his seat in the Lords by virtue of his title, in exactly the same way as the late Duke of Queensberry. But the patent was contested. The legal argument in favour of the Duke was that the Queen could confer honours on any member of the United Kingdom, and that the stipulation in the Treaty of Union whereby sixteen peers were to be chosen to represent Scotland did not exclude Scots from sitting in the Upper House if they should become

[184] Burnet, History of His Own Time iv, 249-250.

[185] Pryde, The Treaty of Union, p 53

[186] House of Lords ix, 173

peers of Great Britain.[187] It was pointed out that before the Union any Scottish peer could be made a peer of England, as in the case of the Duke of Argyll. Another precedent in this case was the peerage of the Duke of Queensberry. The opposition maintained that the Union automatically made all Scots peers peers of Great Britain, but denied them the right of sitting in the Lords unless they were among the sixteen properly elected to represent Scotland. They had no objection to the creation of new peers from amongst the Scots; but any patents so granted could not entitle their holders to a seat in the House. As to the Duke of Dover, they argued, his case had never really been debated; when it had come before them they had merely ruled that he could not vote in the election of the sixteen. This sophistry was unlikely to convince anyone. In fairness to the Whigs, however, it must be said that the zeal of the Ministry for the patent had behind it more than the mere justification of an individual's rights. In the House of Lords, which was every bit as powerful as the Commons at that time,[188] a Whig majority ~~resigned~~ reigned. They saw in the Duke of Hamilton's patent a plot on the part of the Ministry which might have incalculable effects if sufficient numbers of an impoverished and therefore tractable peerage gained entry into the Upper House. This was the real reason for their opposition. They triumphed for a short period because the final vote was lost by 57 votes to 52; but it was a manifest injustice and, as it turned out, a hollow victory. The Queen had listened

[187] Many of the subsequent details on proceedings in the Lords are taken from House of Lords ix, 173-174 and Burnet History of His Own Time, iv, 345-347.

[188] Pryde, The Treaty of Union, pp 58-59.

with interest and impatience to the debate. Within three weeks of its termination she created twelve peers at one blow and the majority of the Whigs in the House of Lords had gone.[189]

Amongst the Scottish peers the ferment was very great. The Earl of Mar spoke of that "hardship of the peerage.... so contrair to all sense, reason and fair dealing."[190] Indeed they were very much more roused over this matter than over any of the other doubtful acts of the British Parliament. In an attempt to pacify them the Court now brought forward a suggestion that the Scottish peers should be represented in the Lords by a new arrangement, according to descent rather than representation. This suggestion was eventually rejected on the grounds that any such change should originate amongst the Scots themselves.[191] In any case the Scots lords in Parliament were evidently also opposed to it;[192] they stayed out of Parliament at a time when their votes were vital to the Government. In consequence the threat that the Toleration Bill would be dropped was levelled at them and most of them returned to duty. This at least is the story of Mar.[193] Burnet believed differently. He hinted that the peers had been satisfied by private payment because the Government had announced "an expedient would be found" and nothing visible had occurred. In support of this view Burnet stated that salaries and pensions at that time fell

[189] Burton, History of Scotland viii, 247. This precedent was to play a notable part in British History, at the time of the Great Reform Bill.

[190] Mar to Oxford, 10 June, 1711, Hist.MSS.Comm., Mar and Kellie v 490.

[191] Burnet, History of His Own Time iv, 352.

[192] Mar to his brother the Justice Clerk, 27 Dec., 1711, Hist.MSS Comm., Mar and Kellie v. 492. "I doubt much if any expedient they will offer us will be acceptable to our countrymen, and if we be all against it here it will never carry against the peers in Scotland (where it must go) ...."

[193] ibid., 496-497.

into arrears and this fact could only be accounted for by some secret leakage of funds.

The attempt to alter Scottish representation had an interesting sequel in 1719. On 28 February the Duke of Somerset supported by Argyll, introduced a motion to limit the peerage.[194] Not more than six "English" peers above the number at the time could be created, and the Scottish peers should be represented by 25 hereditary members. The motion was also supported by Montrose, Roxburgh, Annandale and Islay, who argued that by this means Scottish representation would, besides being increased, be rendered more stable. If any of the twenty-five had no male heirs their places were to be filled by other non-hereditary peers. It was clear though that peers outside the magic circle would have neither a vote nor a position in Parliament. Numerous Scots peers met in Edinburgh to complain against the bill. Lord Balmerino accurately gauged opinion when he wrote to Oxford "Your Lordship cannot doubt but every Peer here has the present design in detestation, except such as expect to be of the twenty-five."[195] So great was the opposition that the bill was dropped; the news was greeted with joy in Scotland.[196]

Commerce. As if sufficient had not been done to enrage the Scots, the British Parliament also concerned itself with trade in a manner which was calculated to rouse great opposition. Already in 1711 a duty had been laid on linen cloth exported from Great Britain. The Scots argued that this was singling out their country for special and biassed treatment, for the linen industry was the basic manufacture of Scotland, whereas the wool industry, its complement in England, had

[194] Mackinnon, The Union of England and Scotland, pp 442-443.

[195] Hist.MSS.Comm., Portland v, 579-582

[196] Earl of Ruglen to Earl of Dundonald, 23 April, 1719, ibid., 582.

had no such duty levied on it. All their arguments were in vain and the bill passed. In the same session they only succeeded in countering a measure concerning Scottish yarn by the most determined opposition. By it Scottish yarn was to be exported to Ireland, but as Irish linen was allowed into the colonies duty free this would be a serious blow to the Scottish linen trade.[197]

As it turned out, both these controversies were dwarfed into insignificance by another commercial bill, the Malt Bill of 1713. During the negotiations for the Treaty there had been animated discussion on this very subject. Defoe was most uncomplimentary about the arrangement then made because he felt it to be "a breach of the equality which is the foundation of the Union".[198] At first it had been suggested that exemption from the tax should be for ever, but this was defeated. It was then debated whether the exemption should be for seven years or the duration of the war; the latter being decided upon only by the casting vote of the Lord Chancellor. Defoe recognised that the malt was of very poor quality and by no means as good as the English but he had two objections to make. He contended that the Scots should not demand (as they did) an "equal bounty on exportation"; moreover he said that the English malt used for distilling was in any case worse than the Scots and yet it paid the full tax. To these statements apparently his opponents had no answer. Yet one is inclined to believe that this was an occasion when his zeal for a complete union outran his sympathies with a poverty-stricken people. Whatever the case his arguments were of no avail. Scottish malt

[197] Mackinnon, The Union of England and Scotland, pp 420-422

[198] Defoe to Harley, 7 Dec., 1706, Hist.MSS.Comm., Portland iv, 364-365.

was exempted from tax while the war lasted.

Arrangements for the peace had been long in train and the treaty was in sight; but a state of war still existed. In spite of that the British Parliament brought in a bill to impose a duty of 6d on every bushel of malt. Opposition centred around Article XIV of the Treaty. The exemption "during the present war" would seem to have been an unanswerable argument, but it was demolished by the statement that as Scotland had been free of the duty for six years she had done well and should be more than satisfied! Moreover in Article XIV reference had been made to the fact that taxation should be enforced after the Union "with due regard to the Circumstances and Abilities of every part of the United Kingdom". With this in mind the Scots argued that their land was still a place of great poverty; that the proposed tax would most seriously affect many Scottish landowners, who were paid in kind, barley forming a large part of this payment; and that ale must rise in price, making it impossible for the poor people to buy it and also incidentally adversely affecting the brewers. In desperation it was suggested that the duty on malt should be only 3d because it was well known that Scottish malt sold for about one-third the price of English. Any hopes of this finding favour were dashed by the Welsh and north of England members asking for a similar concession. Eventually the Commons passed the bill and it went to the Lords.[199] With its progress there we shall shortly be concerned. In the Lower House, although the third reading had seen 197 vote in favour and only 52 against, the bill eventually passed by 139 votes to 104.[200] As Mathieson points

[199] Mackinnon, The Union of England and Scotland, pp, 424-425.

[200] Mathieson, Scotland and the Union, p 292 quoting Parliamentary History vi, 1215.

out,this clearly shows that Lockhart was unscrupulous when he said that "this was the first instance since the Union of a national disposition against Scotland" by that meaning that "almost every man voted against the Scots."[201] In spite of that Scots obviously had ample grounds for the most anti-English feeling. But, as with the Abjuration Oath the Act, once passed, was not enforced[202] at least for another decade.[203]

Out of the Malt Bill arose a discussion in the House of Lords which, while it showed to what extent the parties were jockeying for advantage, nevertheless accurately reflected the pitch of dissatisfaction to which Scots in general had been roused by recent legislation. "Being a supply bill,

[201] ibid.,292. Mathieson further points out that the motion in favour of a 3d duty was lost by only one vote and continues, "Lockhart was not a scrupulous person. He promoted the Toleration and Patronage Acts, and then published pamphlets against them to inflame the Presbyterians;" Burnet, History of His Own Time iv 394 says of the Commons debate, "A great number of the English were convinced of the equity of these grounds, that the Scots went on ...."

[202] Burton, History of Scotland viii, 248 shows that during the debate the Ministry had remarked Scotland might be "passed over" in the collection of the tax.

[203] The attempt to levy a malt duty in Scotland in 1724 led to great trouble between the authorities on the one hand and the brewers and magistrates of Glasgow on the other. Mathieson explains that this Act, which involved an extra 6d duty on every barrel of ale and deprived the Scots of the bounty granted in both countries on the exportation of grain was clearly contrary to Article VI, which prescribed fiscal uniformity. The outcry raised by the attempt led to a reduction in the duty of 3d. Trouble in Glasgow and Edinburgh was only crushed after the Lord Advocate, Duncan Forbes, had roused much opposition by the arrest of the Glasgow magistrates, and Lord Islay had broken the brewers by intimidation. It will be remembered that Roxburgh was dismissed from his post as Third Secretary because he was suspected of favouring the resistance. Mathieson, Scotland and the Union, 326-330. For the voluminous correspondence on the subject see More Culloden Papers ii, 242-331.

it was not to be directly fought in the House of Lords,"[204] but its principle was discussed in the course of an astounding motion to dissolve the Union.[205] The motion was astounding because the very people who had done their utmost successfully to accomplish the Union now proposed its abandonment! One of the foremost of these men in 1706-7 had been Seafield who had since become the Earl of Findlater. Ironically enough he was chosen to open the debate and his evident uneasiness was gleefully commented on by Lockhart.[206] He was strongly supported by two arch-unionists Argyll and Islay.[207] One of the most interesting aspects of the whole affair is to be seen in the grounds upon which the Union was to be dissolved. The abolition of the Privy Council; the Treason Act; the peerage decision; and the Malt Tax were all mentioned with great heat.[208] But of the Toleration and Patronage Acts and the Abjuration Oath there was no murmur, for the majority of the peers were not in sympathy with the Presbyterians on these matters.[209] Had the people of Scotland been provided with an opportunity of explaining what grievances they felt to be the most galling it is probable the emphasis would have been shifted considerably, though the amount of heat engendered would probably have been much the same. For the debate was a lively one ~~one~~

[204] Burton, History of Scotland viii, 248

[205] Mackinnon, The Union of England and Scotland, pp 425-428

[206] ibid., 428

[207] Burton, History of Scotland viii, 248 believes they did this to "drag forth some of the secrets of the Jacobite party."

[208] Burnet, History of His Own Time, iv, 394

[209] Pryde, The Treaty of Union, p 60 mentions this.

even though it was not particularly well attended. In the end the voting was equal and the motion lost by four proxy votes.[210]

Mathieson, in commenting on this move, seems to have struck the nail on the head; his view is strongly supported by Feiling.[211] He held that the fact that the Union had been saved by its enemies would "doubtless be a very remarkable occurrence, were it not evident that the whole affair was little better than a solemn farce. It was not conviction but a regard for their respective interest , which had induced the two parties on this occasion to change sides." The Union was extremely unpopular in Scotland and a general election was in the offing. For that reason the Scottish Whigs, annoyed by the Malt Bill, did not oppose the repeal motion. The English Whigs agreed, if the succession could be guaranteed, but "their chief object was to embarrass the Ministry, which was bound to resist the motion, however welcome to the Tories, at a time when its attention was engrassed by the declining health of the Queen."[212]

We have no information about Defoe's feelings at this time. The unfortunate paucity of material makes it difficult to assess his attitude to Scottish problems in general when the dissolution motion came to the fore. From the material

[210] Burton, History of Scotland viii, 249 quoting Parliamentary History vi, 1213-1221.

[211] Feiling, The History of the Tory Party, 38

[212] Mathieson, Scotland and the Union, pp 292-293. He quotes an extract from a letter written by an English politician to Swift. "It was very comical to see the Tories who voted with the lord treasurer against the dissolution of the union, under all perplexities in the world lest they should be victorious; and the Scotch who voted for a bill of dissolution under agonies lest they themselves should carry the point." Both parties voted against their convictions says Mathieson, although it was apparently widely believed in Scotland that the Tories opposed the motion because they feared that a restored Scottish Parliament would vote for the Hanovarian Succession. One of the provisions of the dissolution was a guarantee of the Protestant succession - see Burnet History of His Own Time iv, 395.

available though, it seems true to say that Defoe's own views seemed to coincide more closely with those of the people than those of the nobility. He recognised the great part they had played in bringing about the Union but he tended, in spite of this, to eye them askance. In a most interesting letter to Oxford in 1711[213] he described the Scottish nobility as "an odd kind of people". He divided them into three classes: some of the most worthy because they were episcopally minded, merited favour but should not be trusted with power; some of the most worthless, because of their influence with and support of the Presbyterians, could be given power; some of the rest, because of their dangerous opinions, deserved neither favour nor power. Perhaps these somewhat cynical giews help to explain why, although his correspondence during this period was considerable and much of it has survived, he is strangely silent on most of the grievances except those concerning religion. At the same time his letters abound with references to the dissatisfaction in Scotland and his own expressed views, when they are reinforced by his statements in 1725, lead one to believe that his uneasiness over unconstitutional developments was by no means negligible. It is not unreasonable to suggest, in the absence of clear evidence, that he felt it safer to "sit on the fence" than to enter too violently into the most unconciliatory moves of the administration in the later years of Queen Anne's reign. He was working for Oxford and, doubtless appreciating the difficulties under which that harassed statesman laboured, did not wish unnecessarily to increase the burden, or to prejudice himself. To his credit let it be said that over the religious question he spoke out firmly and unflinchingly, and fundamentally he was right. If it was the Union that mattered most, the Presbyterians were the people to be trusted. Later events convincingly proved it.

213
3 September, 1711, Hist.MSS.Comm., Portland. v, 82-83.

CHAPTER III

Industry and Commerce.

Before the Union. Scotland in the seventeenth century presented a scene of almost unbearable poverty. Mackenzie remarks that estimates of the amount of money per head in Scotland before the Darien affair put it at "fifteen shillings sterling" and that by 1700 one person in every five was a beggar.[1] A variety of circumstances had brought this about. In the first place the union of the crowns (1603) had exercised an adverse affect on the country in a number of ways as Defoe himself noted.[2] But although the English connection proved throughout the century a bar to economic progress there were other factors which also played their part.

The economy of Scotland in this century, as in the first half of the next, was primarily based on agriculture and the rural industries.[3] Neither had benefited as they might have done owing to the growth of the Royal Burghs. In course of time these, with their powerful monopoly rights, had grown to great importance. Consequently Scotland was poor in villages without whose influence the rural trades were unlikely to flourish. Grant explains that the great contrast afforded by the Yorkshire woollen industry at this time arose out of this important difference. In the sixteenth century the Royal Burghs had formed a Convention with the primary duty of organising foreign trade and deciding how much each burgh should pay in taxation.[4] The Convention's powers reached their height in the middle of the seventeenth century and thereafter steadily declined.[5]

Agriculture itself was in a very depressed state. Most of the land was held under the mediaeval communal system called

[1] Mackenzie, Scotland in Modern Times, p 4.

[2] Defoe, History, p 74

[3] I.F. Grant, The Economic History of Scotland, p 206

[4] ibid pp 91-96

[5] ibid pp.170-171

"runrig"[6] and it was not until 1695 that two effective acts were passed whereby any landholder could demand his share of land separate from the rest even if all the other owners were unwilling. As a result enclosure began on a very small scale. Certain of the more advanced landholders had begun using peas and beans to the benefit of their land and some tree-planting was to be seen.[7] It is interesting to note that there was a considerable trade between the Highlands and the Lowlands, the former exporting particularly cattle, fish, timber, hides and skins, and receiving in return corn.[8]

As the land was so poor and the return so small it became the object of discerning Scots to make up for these handicaps by means of industrial development. This movement gathered impetus in the second half of the seventeenth century.[9] During Cromwell's time Scottish trade had been notably assisted,[10] but the Navigation Acts after the Restoration had seriously affected it. As a direct result Scotland passed a Navigation

[6] Alexander Macrae, <u>Scotland since the Union (Dent, 1908)</u> pp 127-8 "The runrig system...was an obstacle both to individual enterprise and to progress of every kind. The farm was held in common by a number of tenants, whose cottages, usually grouped together in one place formed what was called a town or township. The fields were divided into "riggs" or ridges varying in width from twenty to forty feet, and the whole farm was worked by the tenants in common, but the land was yearly divided anew among them in ridges by lot. One portion of the arable land, which was called the "in-field" was under constant cultivation until it became so exhausted that its yield was often not more than two or three times the quantity of corn sown in it. Another and much larger portion, which was called the "outfield" was sown with corn for two or three years in succession and then allowed to lie fallow for five or six years under natural grass, on which the sheep, cattle and horses belonging to the various tenants grazed together...."

[7] Grant, <u>Economic History of Scotland</u>, pp 160-166.

[8] <u>ibid.</u>, pp 147-151.

[9] <u>ibid.</u>, p 190

[10] Mathieson, <u>Scotland and the Union</u>, p 21.

Act of her own and offered to repeal it if England would do likewise. The offer was declined.[11] So acts designed to promote and protect Scottish industry were passed in 1661, 1662 and 1681. These acts are of such importance in explaining the basis of Scottish industrial development that they require full explanation. The first two allowed individuals to form companies with little formality and, except for a tax exemption of nineteen years, did little to protect them. It was found though that these regulations were insufficient so the Act of 1681 came into effect. It "completed the protection of Scottish infant industries by the exclusion of competitive imports. Therefore the main difference of the two countries, in encouraging a new manufacture, was that in England, persons who provided capital might obtain a monopoly for the process, but they were subject to such foreign competition as was deemed advisable under the existing fiscal arrangements. In Scotland on the other hand, though a few monopolies were granted, as a rule the entrepeneur had to be prepared to face domestic competition,but he was freed from that of foreigners; and, at this time and until the union, England was reckoned a foreign country for commercial purposes."[12]

This protection of Scottish industries had its effect in promoting companies. Until the Revolution there were not a great many formed but the period 1688-1695 saw a remarkable increase in the number in both England and Scotland. Indeed Scott points out that 85% of the total number of

[11] Grant, Economic History of Scotland, p 191

[12] W. R. Scott, The Constitution and Finance of English, Scottish and Irish Joint-Stock Companies to 1720, i (The General Development of the Joint-Stock System to 1720) 300-301.

companies in the two countries in 1695 had come into being during those seven years.[13] True the Scots contribution to the grand total was pitifully small but it was a start. In 1695, however, came the Darien affair, which together with a serious financial crisis in England meant that Scottish companies had to be dependent on their own devices for capital. Apparently Scotland was not so badly affected as England during the crisis (1695-7), but by the end of the century, out of 47 companies alive in 1690-1695, only 12 were still able to carry on,[14] while in England 28 survived out of 93. Yet by 1703 the amount of capital invested in England[15] and Scotland together had doubled, largely because

13 W. R. Scott, Joint-Stock Companies i , 327-328. The estimated capital of the Joint)Stock Companies in 1695 makes interesting reading. Out of a total of £4,250,083 for 140 companies in England, Wales, Ireland and the colonies on one hand and Scotland on the other, in 1695 only £194,033 was Scottish. The Darien Company is excluded because no capital had been paid up when the table was made out. The Scottish capital was disposed as follows:

	£
Capital of the Scottish Royal Fishery Company, the Glasgow Soaperie, The Glasgow Sugarie, The Paper Manufacture, Bank of Scotland, Glasgow Rope Company and Scots Linen Manufacture (all taken as paid up)	74,033
Estimated capital of 40 other manufacturers at £3,000 each.	120,000

ibid., 335-336.

14 ibid., 356 . "The most prominent of these were the Darien Company, the Bank of Scotland, the Soaperie, two Sugaries, a Roperie, three Cloth Companies, one for paper, and a wool manufactory."

15 ibid., 371, £8,158,737.

of a tendency for small companies to disappear and large ones to increase in size. Scottish capital had increased overall by one third.[16]

But the Scottish protective policy had produced serious effects as other countries retaliated. In consequence Scotland was faced with the necessity of finding some outlet for her manufactured goods. As her efforts to discover a market in England's possessions had failed, her most obvious course was to seek colonial possessions of her own.[17] On to the scene came William Paterson, honoured in later years as the founder of the Bank of England (1695), but at this time without great influence. His Darien project was apparently taken to England, to Holland and to the Elector Frederick William of Brandenburg before the Scot thought of his own country. In all of these countries it was scornfully tossed aside.[18] In Scotland the scheme was welcomed as the brain-child of a genius. At first all appeared to go well. The Company had great success on the English market as well as in Scotland; but the great English trading companies feared

16 ibid., 371. The Company of Scotland trading to Africa and the Indies (the Darien Company)

42½% called up on £400,000 (actually paid)	£153,631
The Soaperie, the Sugarie, Bank of Scotland and Roperie	35,033
Twenty other Companies of £5,000 each	100,000
	£288,664

17 W. R. Scott, The Union of 1707, Scottish Industry before the Union, p 104.

18 Mackinnon, The Union of England and Scotland, pp 23-24

the competition, William III was induced to frown, and the English capital was withdrawn. Efforts to raise capital in Holland foundered against the rock of the Dutch East India Company; in Hamburg success seemed at hand, but the English embassador stepped in. Scotland was in turmoil but so great was the enthusiasm that when the original Scottish capital of £300,000 was raised to £400,000 it was all promised;[19] as Mackinnon remarks, it became a national undertaking.[20] Against the steady opposition of England, however, the attempt could scarcely be regarded as anything but foolhardy. When to this was added a descent upon land claimed by Spain and an almost incredible tale of mismanagement and muddle, it is hardly surprising that the Darien scheme was an utter failure.[21] Scotsmen, seeing themselves and their country ruined, not surprisingly turned viciously on England as the author of all their wrongs. A vivid impression of the difficulties under which the King's servants in Scotland worked is given in the papers of Lord Marchment, in 1696 Lord Chancellor and two years later High Commissioner.[22]

19 Scott, Scottish Industry before the Union, p 100 "the stockholders had taken up more stock than they could pay for.."

20 Mackinnon, The Union of England and Scotland, p 28

21 ibid., pp31-45; Defoe, History, pp 65-73

22 Marchment Papers, iii, 148-191. On 24 October 1699 he wrote to the king saying that the Darien fiasco was imputed "to the proclamations in the English plantations, passing by other obvious causes." In December he wrote to Queensberry showing how difficult it was for him not to fall "in disgrace with the Scots nation."

The Darien failure meant that Scottish manufactures could not find a colonial outlet. It meant too that money was even scarcer than it had been before. Scott remarks: "The scarcity of cash was so great that the Newmills (Fine Cloth Manufacturing) Company adopted the extraordinary course of making advances to its shareholders on account of the future dividends, which were expected to be due tothem, but which were not yet declared." Moreover quite apart from the Darien failure, other outlets for trade had, according to Mackenzie, become less and less valuable in the course of the seventeenth century. The trade with the Baltic had been seriously damaged by the Thirty Year War; English wars with the Dutch had gravely hampered it, and any attempts to promote trade with Ireland or Nova Scotia had been frowned upon by the English, as with Darien, because it was likely to damage their own projects.[24] The only loophole of any note appears to have been afforded by the North American plantations, and this trade was of course illegal.[25] Interesting details of this trade were discovered by a commission appointed in England after the inauguration of the Darien plan. The proprietary colonies appear to have been the most favoured ones. "From 1690 to 1695 nine tobacco traders sailed from Delaware directly to Scotland; and the agent in that country of the English Commissioners of Customs reported that from 13 April 1695 to 29 December 1696 twenty-eight vessels mostly connected with the Clyde, were trading to and from the tobacco plantations."[26]

[23] Scott, Joint-Stock Companies i, 372.

[24] Mackenzie, Scotland in Modern Times, p 5

[25] Grant, Economic History of Scotland, p 188

[26] Mathieson, Scotland and the Union, p 344 taken from House of Lords MSS., New Series, ii 416,424, 441, 446,449,464,489.

What steps were taken to cut down on this trade are not known, but the very fact that it was illegal must have rendered it most hazardous.

Scotland at the beginning of the eighteenth century then was financially in a parlous state.[27] The obvious solution lay in a commercial treaty or some union which would give Scots access to the jealously guarded English markets. But England had shown herself unwilling and even as late as 1689 an attempt to solve the difficulty by union had failed because England refused to treat.[28] William's reign had been complicated by the massacre of Glencoe and the Darien affair so that, although he was favourable to union as a means of drawing together the two fractious parts of his dominions, nothing was done until the accession of Queen Anne. In 1702 commissioners met to discuss this thorny subject. According to Defoe the attempt was a failure because the commissioners, none of whom had been appointed by the Church, were empowered to make all arrangements concerning religion. He believed that this move was deliberately designed to sabotage the treaty, as sensible people must have seen no good result would emerge.[29] If this is true it certainly succeeded in doing so, but there are others who maintain that it was the English refusal to grant commercial concessions that was at the bottom of the failure.[30] From that period relations between the two countries went from bad to worse.

[27] In 1658 Scott, Scottish Industry Before the Union, pp.96-97 quotes Customs as £14,716 and Excise as £49,118, English Customs in 1659 being £411,414. Grant, Economic History of Scotland, p 195 quotes English Customs and Excise at Union as £2,289,161, Scots as £63,560, English national revenue over £5,000,000, Scots £160,000, English land tax £2,000,000, Scots £35,000, though the English National Debt was £17,000,000 as against Scots £160,000.

[28] Pryde, The Treaty of Union pp 6-7.

[29] Defoe, History, pp 76-77

[30] Pryde, The Treaty of Union, p 7. He points out that these Commissioners did valuable spadework for the Treaty of 1707.

In the session of 1703 the Edinburgh Parliament had proved most refractory. Scotsmen saw the opportunity they had of embarrassing England and gaining what they considered to be their own just ends. They therefore refused supply until the Act of Security, as it was called, received the touch of the sceptre. That blessing was not given in 1703. The year was further complicated by the so called Queensberry or Scots Plot.[31] The Duke of Queensberry allowed himself to be duped by one Simon Fraser, Lord Lovat, into believing that the Duke of Atholl was implicated in plans for a Jacobite rising. That Fraser was a most unreliable person and a deadly enemy of Atholl's does not seem to have weighed sufficiently with Queensberry, who happened to be in political opposition to Atholl at the time. His accusation of Atholl brought to life a hornet's nest which resulted in Queensberrry's resignation as Commissioner and sorely implicated both houses of the English Parliament. One interesting result of the plot was that the House of Lords recognised the encouragement given to Jacobite plots by the failure to settle the succession and voted in favour of a union.[32] Scotland meanwhile had been seething with indignation over the plot and in 1704 the Act of Security was once more introduced. This time it was approved, but only because England feared riot and rebellion if the Scottish army was disbanded for lack of funds.[33]

[31] Lockhart, Memoirs, pp 74-87.

[32] Mackinnon, The Union of England and Scotland, p 149

[33] Trevelyan, Ramillies and the Union with Scotland, 242-243 explains that the news of Blenheim arrived just too late to relieve the English Ministry of its pressing worries over the apparently serious lack of success of Marlborough and the allies on the continent. He thinks that, had it arrived earlier, the Act would not have been approved.

The Act was indeed shrewdly designed, for Queen Anne's last child, the Duke of Gloucester, had just died and the English Parliament had chosen as her successor a Protestant, the Princess Sophia, daughter of Elizabeth of Bohemia. It made the condition that, if Queen Anne died without issue, the successor to the throne of Scotland, though a Protestant, should not be the same as that chosen by England unless "there be such condition of government settled and enacted as may secure the honour of sovereignty of the crown and kingdom - the freedom, frequency and power of Parliaments - the religion, freedom, and trade of the nation, from English or any foreign influence." Moreover the Act called all able-bodied men to arms to protect their country.[34] Defoe was amongst the Englishmen (there were not very many) who believed that this pronouncement from across the border was not merely an act of defiance, deliberately designed to cause war between the two countries. He considered this was merely Scotland's way of pointing out to England that it would be very well worth while to come to terms before disaster supervened. He stressed their desire, which appeared reasonable to him, for commercial advantage.[35]

This was not the view of the English Parliament. In spite of Godolphin's and Somers' moderation,[36] the Aliens Act was passed. Defoe regarded it as "the most impolitic, I had almost said unjust, that ever passed that great Assembly".[37] Both these things it may have been; nevertheless there were

[34] Burton, History of Scotland viii, 92-93.

[35] Defoe, History, pp83-87.

[36] Pryde, The Treaty of Union, 17

[37] Defoe, History, p 86

contained in it the seeds of the future union to which Defoe was so passionately attached. The first portion of the act laid down arrangements for the meeting of commissioners from both countries to treat for union; the sting was in the tail. It was provided that if, before Christmas 1705, Scotland did not come into line with the Hanover Succession, Scotsmen would have none of the privileges which they had hitherto enjoyed; moreover "no horses, arms, or ammunition" were to be allowed into Scotland from England or Ireland and eventually "no coals, no cattle or sheep, or native linen, should be imported from Scotland." Interestingly enough, in view of Defoe's statement about the abortive attempt at Union in 1702-3, the last clause did not allow the Commissioners to discuss religion.[38]

During the passage of this measure there had occurred in Scotland the tragedy of Captain Green. In revenge for the seizure of a chartered vessel of the African Company (which still attempted to trade in spite of the Darien fiasco) by the English East India Company, the Scots themselves seized the Worcester, Green's ship,[39] which had put into the Firth of Forth for repairs. The rumour that Green and his men had committed piracy on a Scottish vessel called the Speedy Return, killing Captain Drummond and the crew, led to the trial of the English. The evidence was scanty; there were doubts as to whether Captain Drummond was indeed dead; the Queen urged delay; but the Scots Privy Council, threatened by that Edinburgh mob whose acquaintance we have already made, would not grant a stay of execution. Green, with two of his

[38] Burton, History of Scotland viii, 104.

[39] It appears that the Worcester belonged to the Million Company, a fierce rival of the English East India Company.

men, was hanged in April 1705 amidst scenes of the greatest mob enthusiasm.[40] It was later proved that Drummond and his crew had not been murdered, but before that the Scottish mob, according to Defoe, had deeply regretted its action. This incident has been quoted to show that the country was at fever heat, and those who believed that the question was one of union or war had substantial reasons for doing so.

In the meantime the Aliens Act had not helped to calm Scotland, but its economic threat was recognised as being a calamitous one. "Unless our cattle and linen can be otherwayes disposed on, we are utterly ruined" wrote the Duke of Roxburgh.[41] So the Scottish Parliament, after much preliminary skirmishing during which the upright but stern republican Fletcher of Saltoun[42] produced his famous Limitations,[43] got down to the business of the proposed treaty. The redoubtable Fletcher demanded that no steps be taken towards nominating commissioners for the union until the Aliens Act had been repealed, but the Parliament finally decided that a separate address to the Queen should make it clear that the Scots commissioners would not meet their English brethren until the English Parliament had expunged the obnoxious measure. What was considered by Lockhart to be the first sign of impending ruin for Scotland was the Duke of Hamilton's motion, late on the same day (1st September) that the choice

[40] Defoe, History, pp 82-83; Burton, History of Scotland viii, 107-8. Duncan Forbes of Culloden, at the age of twenty, risked his own life by attending the innocent men to the scaffold, clothed in mourning.

[41] Pryde, The Treaty of Union, p 7 quoting Jerviswood Correspondence, 19.

[42] Lockhart, Memoirs, pp 68-72 gives a good character sketch of him.

[43] ibid., pp 154-6 explains how these involved the establishment of a republic.

of commissioners be left to the Queen.[44] His action astonished the opposition, of which he was the acknowledged head. They could not but see the value of having some of their own nominees as commissioners in order to obstruct the treaty. Before they could rally, the motion was passed. "From this day may we date the Commencement of Scotland's Ruine" was Lockhart's dismal comment.[45]

Any hopes the anti-unionists had that England would help them by taking exception to the address on the Aliens Act were soon dispelled. On 25 October, as soon as the English Parliament assembled, the objectionable clauses were repealed at the instance of the moderate and statesmanlike Lord Somers.[46] The Commissioners met on 16 April 1706[47] and immediately got down to business. For the most part the English and Scottish representatives sat separately and communicated in writing, an arrangement which proved most effective and enabled them to finish their hard task in three months.[48] After the English had insisted on an "incorporating" union not a federal one, the succession was agreed upon and free intercourse in

[44] ibid., p 176. Lockhart believed Hamilton did this because of a promise that he would be one of the Commissioners. He pointed out that Argyll had refused a commissionership because he had "engaged upon his honour" that Hamilton shold be one of those chosen.

[45] ibid., p 172.

[46] Burton, History of Scotland viii, 116.

[47] ibid., 116-117. The thirty-one Scots Commissioners were appointed on 27 Feb.,1706 and were representative of the nobility, the gentry and the burghs, the only opponent of the union being George Lockhart who accepted the nomination so that he could act as a spy.(Memoirs,pp188-189).Their English counterparts, also thirty-one in number, consisted of either peers or officials, and including the two Archbishops, were appointed on 10 April.

[48] Defoe, History pp 105-6 mentions there was only one public conference, to decide on Scottish representation in the united Parliament.

trade accepted. Surprisingly few hitches occurred and the agreement reached by the commissioners was, with a few minor economic alterations, accepted in the stormy Scots session which followed.

The Treaty. It is with the economic clauses of the Treaty that we are here concerned. They were recognised as one of the most vital parts of the Treaty, for it was well understood that this was a compromise arrangement whereby Scotland, in return for commercial advantages vital to her existence and prosperity, agreed to remove the threat of separate and hostile action at a time when it might well have proved crippling to England.

Article IV of the Treaty guaranteed to Scotland freedom of trade and all the privileges which Englishmen enjoyed in that respect. It was followed by an agreement that Scottish ships "though foreign built" should, under certain conditions, be recognised as ships of Great Britain. In Article VI customs equality was laid down as a general principle. Scots cattle were specially exempted from duty, Scots oats were guaranteed similar privileges to English grain,[49] and the prohibition against "Importation of Victual from Ireland" was expressly mentioned. Next came equality in excise, to which the only exception was that no more than 2/- could be charged on each barrel of 34 English or 12 Scots gallons of beer. Salt came next.[50] Defoe's comments on this matter showed with what difficulty the final arrangement was reached.[51] Eventually Scots salt was exempted from the English duty for seven years, and Scots received the same drawbacks as the English on fish cured for export with foreign salt. Article IX, which settled the proportion of the land tax (at about 1:40), is generally

[49] ibid., p 398. Defoe explains that this was specially designed to encourage the lucrative oatmeal trade with Norway.

[50] See above, p 30

[51] Defoe, History, pp 418-429.

agreed to have been a very good bargain from the Scottish point of view. Burton remarks "it is not uncharitable to suppose that in its adjustment they (the Scots Commissioners) had an eye to their own interests as landowners."[52] The next four Articles made certain exceptions in regard to temporary duties on windows, coal etc., while Article XIV exempted Scotland from the Malt Duty for the duration of the war.[53] Next came that most complicated of Articles, XV, which arranged for the payment of the Equivalents,[54] and two more Articles on uniformity of coinage, weights and measures.

From Scotland's point of view the economic side of the Treaty was in general most satisfactory. Particularly important in converting many people to at least a grudging acceptance of the treaty was the Equivalent. The African Company had to go, and there were many who felt great sorrow and even indignation at the extinction of this example of Scottish enterprise. Some of them doubtless felt this victory of the great English trading interests was an omen. But their money, with interest at 5%, which so many Scots must have felt was irretrievably lost, was to be paid out. This in itself was a most valuable contribution to the tottering economy of Scotland. Nevertheless there was a question foremost in everybody's mind. Was the treaty going to bring that prosperity so confidently promised by its supporters, notable amongst whom was Defoe.[55] The next forty years appeared to provide an answer, and it was not an encouraging one.

[52] Burton, History of Scotland viii, 122.

[53] See above, pp 111-113.

[54] See above, pp 35-42

[55] Article XV read "an Increase of Trade and People (which will be the happy consequence of the Union)...."

Defoe himself helped materially in providing the answer, for his interest in trade was great. He devoted some attention to it in his History, while there are a few scattered references in his letters. By far the most valuable document, however, is his Tour, coming as it does within fifteen years of the union. It is invaluable for the matter it contains, for the evidence it affords of a change in attitude on the part of the author.

Agriculture and Fishing. It has been said elsewhere that agriculture and the rural industries constituted the basis of Scotland's economy both in the seventeenth and in the first half of the eighteenth centuries. It is therefore fitting that our enquiries into the effect of the union on Scottish industry and commerce should begin with agriculture. From the start it should be understood that a great flood of prosperity did not engulf Scotland. That, far from feeling any economic benefit from the union, the country seemed to suffer greater hardships than it had before. Before 1707 Scottish agriculture was very backward. To induce a radical change in this state of affairs at least two things were necessary: a revolution in the attitude towards the industry, and capital. The former was to be provided, in course of time, by the zeal of a number of notable men, the latter was so scarce as to make their efforts a struggle against odds.

Enclosure was not a new idea in Scotland, but it had scarcely begun to affect the countryside at that time, and Defoe particularly mentioned the crying need for it.[56] He also spoke of the need for folding sheep and "fallowing... plow land." The answer to a question may be easy to see but its implementation difficult. We read about the sufferings of numerous Cameronian crofters who met at Kirkcudbright in

[56] Defoe, A Tour Through Great Britain ii, 699

1725 to complain of being driven off their lands to starvation and death by enclosure.[57] Such incidents as these, coupled with the system of single year leases, and the intense conservatism of crofters and many lairds, helped to slow up any improvements. Above all poverty played its part, As Defoe said "'tis poverty of the people makes them indolent"[58] Even by 1722, though, he was able to pick out some hopeful signs. He particularly remarked on the valuable plantations of firs in the Lothians, the good work of enclosure that had been done in Ayrshire and the Duke of Roxburgh's lands along the Tweed.[59] The remarkable success of agriculture at Inverness he attributed to the introduction of English methods by three of Cromwell's regiments disbanded in that area. Dundee and Fife were mentioned for their export of corn to Holland and England, while from Aberdeen large quantities of this product, coming mostly from Inverness, were also exported.[60] Strangely enough there is no mention of corn export from the Lothians probably because this was too obvious to require comment. Defoe was certainly well aware of it because he remarked that Scotland had shipped to England alone, in the first year after union, "above 140,000 boll of corn",[61] apart from other shipments to Portugal.

[57]Burton, History of Scotland viii, 512.

[58]Defoe, Tour ii, 734

[59]ibid., 695,740-741,764.

[60]ibid.,818,806,780,809-812.

[61]Defoe, History, p 415

[62]Burton, History of Scotland vii,511 tells how Fletcher of Saltoun's winnowing machine was looked on with "superstitious suspicion" because the wind was artificially created. These machines, the first of which Fletcher built in 1700, did not come into general use until 1737 in Roxburghshire.

But it is true to say that these aspects of agriculture had not been encouraged by the union, and it was not until 1723 that a united effort was made by certain notabilities, "Cockburn of Ormiston, in Lothian, and his son John, and the Earl of Haddington, and two conspicuous anti-union stalwarts, Andrew Fletcher of Saltoun[62] and John, Lord Belhaven", to improve the situation. In that year they formed The Society of Improvers in the Knowledge of Agriculture in Scotland, and struggled hard to spread the gospel of enlightenment. It was slow work, hampered by lack of capital, but these men gave an impetus to agriculture. "Runrig" slowly began to disappear. The abolition of the hereditary jurisdictions after 1745 meant that all services of tenants were converted into money payments. Attempted improvements in land tenure by men such as Duncan Forbes were consolidated in an Act of 1770 which allowed 19 years leases. The money received in return for the abolition of the jurisdictions after the Rebellion formed a welcome addition to the slender capital resources of Scotland.[63] By 1760 "farming and planting were fashionable crazes." Much was learnt from England and by the end of the century over 100,000 quarters of grain were exported while the value of land had increased phenomenally.[64]

[63] Macrae, Scotland since the Union, pp 79, 133

[64] Mackenzie, Scotland in Modern Times, pp 9-13. "In the Merse it rose from 1/6 an acre to a guinea; in Perthshire from five shillings to 45; and in the Carse of Gowrie from 6/8 to six pounds an acre....."

If the union had given little aid to agricultural farming, it had positively interposed a barrier against the employment of the immense timber resources of the Highlands. Up to 1707 the difficulty had been the purely physical one of communications. These were unbelievably bad. In 1698 it was apparently easier to send goods from Glasgow to Edinburgh by the long sea journey than by land.[65] Even in 1740 it took Lovat eleven days to get from Inverness to Edinburgh, a distance of 190 miles.[66] It is true that a number of deals were regularly floated down the rivers but so few were suitable that this trade was not of very great value.[67] The Scots therefore proposed in 1711 that the British Parliament should give equal encouragement to Scottish timber for naval uses by voting the money to improve Highland roads. As this came just after the successful obstruction of the bill designed to allow export of Scottish yarn to Ireland,[68] the attempt was opposed and the scheme came to nothing. The English preferred to get their timber from the colonies, in their own ships, in spite of the extra cost.[69]

So far then, little material benefit had come the way of Scotland, and this applied not only to agriculture. But as Scott says, "unless there had been some source of immediate gain from the Union, the discontent would have been even greater than it actually was, for the financial situation of the mercantile classes would have been an impossible one. This source of immediate gain is to be found in the cattle trade. Scottish cattle could now be sold freely in England, and the prices obtained were far in advance of those hitherto realised in Scotland."[70] The value placed on this trade before 1707 had been emphasised by the Aliens Act; after that date it was jealously guarded, as can be seen by two letters to Oxford in 1711. Both Lord Balmerino[71] and one James Ogilvy[72] complained

[65] Scott, Scottish Industry before the Union, pp 95-96
[66] Mackenzie, Scotland in Modern Times, p 14.
[67] Grant, Economic History of Scotland, p 197
[68] See above, p 111.
[69] Mackinnon, The Union of England and Scotland, p 420
[70] Scott, Scottish Industry After the Union, p 106.
[71] 1 Sep., 1711. Hist.MSS.Comm. Portland v, 81 and ibid.
[72] Hist.MSS.Comm., Portland x, 230

of the failure to enforce that part of Article V1 which forbade the importation of corn and cattle from Ireland. Apparently a habit had grown up in the South West of Scotland of importing Irish cattle to pasture them and this caused great discontent.[73] Defoe's observations on the cattle trade bear out the view that it was of extraordinary importance. Galloway was the centre of greatest activity. Sheep, horses and "black cattle" swarmed in this area and, according to estimates given him at the time about 50 or 60,000 cattle were sent to England each year. Apparently some Galloway noblemen were said to export 4000 head of sheep and a similar number of black cattle every year.[74] Grant mentions that in 1740 "at least 30,000 head of cattle were sold at the chief market, Crieff Fair."[75] This trade then was the one bright spot in the years immediately following 1707, and the profits from it naturally played their part in stimulating agricultural development as a whole. It is interesting to notice that another factor which helped to encourage agriculture, but only after 1728, was the inauguration in that year of "the peculiarly Scottish system of cash credits" by the Royal Bank.[76] By this means many lairds who wished to improve their land could obtain cash on the security of two or more people, and need only pay interest on the amounts actually drawn.[77] Agriculture reaped great benefits from a system which enabled Scotsmen to use their undoubted ability and resourcefulness when otherwise lack of capital would have provided no such opportunity.

The deep-sea fishing industry, of which it was remarked

[73] Grant, Economic History of Scotland, p 208.

[74] Defoe, Tour ii, 737-738

[75] Grant, Economic History of Scotland, p 208.

[76] Mackenzie, Scotland in Modern Times, p 17

[77] Grant, Economic History of Scotland, p 234.

by Defoe, that there were "schemes and projects, which have made much noise in the world" for its improvement in Scotland,[78] suffered a very serious setback at union. Its lack of progress can be accounted for very largely by the duty on foreign salt which came with the Union.[79] At first sight this would seem to be strange because many of the Scottish salt pans were conveniently placed next to the coal fields,[80] and salt production had even before 1707 been in serious competition with English.[81] Moreover the duty on local salt had been waived for seven years, so that it would presumably be on a much better footing than English or foreign salt. The explanation of this apparent anomaly lies in the fact that Scottish salt was unsuitable for curing fish, and although every effort had been made to remedy this defect, it was never successfully overcome.[82] Fish therefore had to be cured with foreign salt and it is easy to understand why there was so much discussion of salt in the course of the treaty negotiations. After the Union salt was one of those commodities which had evaded duty in Scotland in large quantities because of the laxity of the customs authorities.[83]

[78] Defoe, History, p 604

[79] Mackenzie, Scotland in Modern Times, p 7. (Article VIII)

[80] Grant, Economic History of Scotland, p 73 says the Firth of Forth was the scene of most of this activity.

[81] Scott, Scottish Industry after the Union, p 104

[82] Grant, Economic History of Scotland, p 73.

[83] See above, p 48.

But this was only a temporary accession and in fact the duty on foreign salt meant that as a general rule the herring fishery declined rapidly. Even though the Royal Burghs had lost their monopoly of selling fish and Dutch sea-power was declining,[84] Mackenzie records that in 1750 "the Dutch had 150 vessels off the Scots coast, which they called their gold mine; the Scots themselves had two."[85] She lays the entire blame for this state of affairs on the salt duty, whereas Mathieson considers that smuggling, with its hopes of quick returns, played an even greater part.[86]

But the herring fishery did not appear to Defoe to have received its death blow. He noted that particularly at Greenock it flourished; probably, however, this prosperity was closely connected with that of Glasgow, for he mentioned that the Glasgow merchants had an interest in the industry.[87] Dundee too, seemed prosperous to him, partly as a result of the herring fishery,[88] yet the decrease of its population from 6850 to 5302 between 1680 and 1746 seems to indicate that there could hardly have been an accession of prosperity here.[89] Lastly, Aberdeen is mentioned as doing a flourishing trade with the Baltic, and part of this was in herrings.[90]

If the herring fishery was in bad shape, this was not true of coastal fishing, which flourished during this period, though the process took some time to develop because of the

[84] Grant, Economic History of Scotland, p 230

[85] Mackenzie, Scotland in Modern Times, p 13; Mackinnon, The Union of England and Scotland, p 485 says in 1753 8 vessels yielded 519 barrels on the North Eastern coast.

[86] Mathieson, Scotland and the Union, p 349

[87] Defoe, Tour ii, 741.

[88] ibid., 806.

[89] Mathieson, Scotland and the Union, p 349.

[90] Defoe, Tour ii, 809-812.

inevitable lack of capital.[91] Defoe himself remarked on this poverty in regard to the coast of Galloway,[92] but the salmon export from Perth called forth comment from him, and his enthusiasm was unbounded over the "enormous quantities" of fish caught in the river Dee and exported from Aberdeen.[93] Indeed the north of Scotland swarmed with salmon and the diet of its inhabitants was liberally seasoned with "bread of wheat or oat" and venison, which the inhabitants were adept at providing for themselves because they were extremely good shots.[94] These details give solid reason to believe that shallow-water fishing was one of those industries which helped to tide Scotland over the very lean period after 1707.[95] It had to provide the bulk of the income for the fishing industry as a whole,[96] because in spite of great efforts after 1750 it was not until the next century that the herring fishery assumed its true importance.[97]

Manufactures:

Wool. If agriculture and fishing presented a dismal picture in the early years after the Union, the manufacturing industries were in even worse shape. As has been explained Scottish industry had been built up during the latter half of the previous century on an exclusive basis. As a result a number of woollen industries, protected from English competition, had sprung into existence. Many of these were for the

[91] Grant, Economic History of Scotland, p 230

[92] Defoe, Tour ii, 734

[93] ibid., 797, 809-812.

[94] ibid., 825

[95] Grant, Economic History of Scotland, p 229

[96] ibid., 217. Grant explains that some assistance was given by the application of certain moneys from the Equivalent by the Board of Trustees for Manufactures. (see below 141-142)

[97] ibid., 230; Mackinnon, The Union of England and Scotland p 485 says that in 1796 292 vessels off the north-east coast yielded 53,875 barrels.

manufacture of fine cloth, the Newmills Manufactory being the most important. This concern had flourished towards the turn of the century, and a document dated 20 January 1703 shows that in the four years before this date dividends of 13, 10, 11 and 18% had been paid.[98] Results such as these had been materially aided by the success of the manufacturers in getting legislation passed in 1701 prohibiting the export of wool.[99] But by 1704, because it was found that Scotland could not consume all her own wool, another act was passed allowing the export of wool, although cloth was still forbidden entry. Defoe had some significant comments to make on this step. He described the export of wool as a "mortal blow" to the industry and explained that it was even more seriously affected than might have been the case because Sweden and the Baltic countries, which had hitherto taken Scottish cloth, from this time imported the Scottish wool and manufactured it themselves.[100] From 1704 the fine cloth manufactures definitely started on the downgrade, and Scott believes that the Union, though it hastened their collapse, was by no means the only cause.[101] According to Adam Smith one of the effects of Union was to cause a sharp fall in the price of wool. The Newmills Manufactory struggled on until 1713, when it was sold up.[102]

[98] Scott, Joint-Stock Companies iii, 153

[99] Scott, Scottish Industry after the Union, p 103. He explains that a great disadvantage to the fine cloth manufacture was the use of tar which discoloured the wool

[100] Quoted by Scott, Joint-Stock Companies iii,155. French trade was also affected.

[101] Scott, Scottish Industry after the Union,pp 102-103.

[102] Scott, Joint-Stock Companies iii, 156-157.

Defoe acknowledged that English competition had brought about the collapse of almost all the woollen manufactures in Scotland,[103] but he was insistent on the evil effect of the export of Scottish wool. His belief was that if the poor in Scotland could be induced to spin their own wool into yarn, a considerable improvement in their condition would be inevitable. In support of this view he pointed to Ireland, from which country, although thirty years before "not a pound" had come to England already spun, by about 1724 "40,000 packs of wool and worsted yarn" were imported by England annually.[104] A note of complaint was struck by Defoe with regard to the application of a part of the Equivalent.[105] "This money I say was appropriated by the act (of union) to be employ'd in setting hands to work in Scotland to manufacture their own wool by their own people: How much of the money has been so emply'd, I desire not to examine, I leave it to them whose proper business it is."[106] A caustic comment, and well-merited, because nothing whatever had been done in this direction. £2000 per annum for seven years had been set aside to encourage the manufacture of coarse wool, and thereafter the same sum for the encouragement of the fisheries and other manufactures.[107]

In 1718 the £14,000 for the wool industry had been retained by statute and, because of the difficulties which made it impossible to arrive at any satisfactory conclusion about debts incurred before the Union by England and after it by the United Kingdom, two annual funds were established,

[103] Ibid., 156-157 (quoted); Defoe, History, p 604; Scott, Joint-Stock Companies iii, 158 says one clothing factory "owned by William Hog, of Harcarse, in Berwickshire, ... had the unique distinction of surviving the Union."

[104] Defoe, Tour ii, 762,786. The second volume of his "Tour" was published in 1725.

[105] See above, p 42

[106] Defoe, Tour ii, 762.

[107] Article XV.

the one of £10,000[108] and the other of £2000 to encourage the fisheries and manufactures. If the return from the Malt Tax of 1725 exceeded £20,000 the balance was also to be applied to this purpose. In spite of this statute nothing was done for a long time. Eventually, as a result of continual badgering by the Convention of Royal Burghs, an act was passed in 1727 setting up a commission of twenty-one members to administer the funds.[109] The Commission was called the Board of Trustees for Manufactures, and had £6000 per annum in its charge. In their first year they divided this sum as follows: "£2,650 for the encouragement of linen; a like sum for the fisheries; and the balance of £700 for coarse wool." It is difficult to tell whether the effect on the woollen industry was very great, but the Board certainly did very good work for linen.[110]

The emphasis from the wool point of view is always on coarse wool, because it was recognised that English competition in fine cloth was too great. Defoe did all in his power to encourage the coarse wool manufacture and in the early twenties he was able to report that a number of these concerns were doing quite well. At "Musclebro", not far from Edinburgh, there was a thriving factory; plaiding was produced with success in Glasgow; and in Stirling serges or "shalloons" were manufactured and had not suffered from English competition.[111] The period of time needed for the change-over from fine to coarse cloth manufacture after 1707 though, meant that it was some time before the wool manufacture flourished.[112] It was to produce in due time a cloth

[108] See below pp ~~100-101~~ 147.

[109] Mathieson, Scotland and the Union pp 346-347

[110] Grant, Economic History of Scotland, p 217

[111] Defoe, Tour ii, 705,747,756.

[112] Scott, Scottish Industry after the Union, p 104.

called "tweed"[113] of which few in modern days can be ignorant.

Linen. The Linen trade was the most important of those depending on agriculture.[114] In 1669 linen yarn to the weight of 23,680lbs. had been imported into England and some years later 10-12,000 people were said to be employed in this industry.[115] But the Act of 1681 had forbidden the importation of linen into Scotland, and the English immediately legislated against the Scottish product, with the result that the industry received a severe check. From 1681-1707 a period of stagnation appears to have set in, and there were complaints that because of the bad quality of much of the linen cloth produced, only one-third as much was sold abroad as could have been.[116] With the Union the opening of the English market to Scottish linen did not have so great an immediate effect as had been hoped, because Scottish manufacturing methods had lagged and it was not until considerably later that they caught up.[117] Nevertheless Defoe recorded that soon after 1 May 1707 the "whole quantity" of linen manufactured in Scotland had gone two months before its normal time, and that prices had apparently improved.[118] It is only fair to say that this statement was made very soon after the Union at a time when he was trying his best to find any circumstances that would bear out his hope of immediate prosperity.

[113] Macrae, Scotland since the Union, pp 138-139 says the name was originally "tweel" but was changed to "tweed" through a clerical error.

[114] Grant, Economic History of Scotland, p 227

[115] Scott, Scottish Industry after the Union, p 104

[116] Scott, Joint-Stock Companies iii, 168

[117] Scott, Scottish Industry after the Union, p 104.

[118] Defoe, History, p 414

Any difficulties the linen trade might have had in 1707 were rendered even more formidable by the imposition in 1711 of a heavy duty on Scots linen.[119] In the same session the bill to export Scottish yarn to Ireland was introduced.[120] Both Mackinnon and Mackenzie mention this, the former stating that Scottish opposition caused the bill to be "abandoned for the present",[121] the latter that it was passed "and the Speaker informed the House with satisfaction that 'they had catcht Scotland and would keep her fast', while the London pamphleteers agreed with him and were paid by the Government for doing so".[122] The truth appears to be that the "Scotch Linen Bill" was introduced in the Commons to ensure that Scottish flax and linen should not be exported to Ireland. The clause ensuring this was deleted by the Lords and the Bill sent back to the Commons. It was here that Scots tactics caused it to be dropped and there were no further proceedings.[123] English opposition to the linen manufacturing was really at variance with her own economic interests for, as Patrick Lindesay (Lord Provost of Edinburgh) pointed out in his The Interest of Scotland Considered, any further increase in the Scottish linen trade must mean that more money would be available to buy English woollens.[124] These arguments,

[119] See above, pp 73-74; House of Lords ix, xxii records that "The Scotch Linen Bill, brought from the Commons on 23 May 1711 sought to prevent the export of flax and linen yarn from Scotland. It was read three times and returned with amendments to the Commons, but there were no further proceedings. Instead a duty was imposed on the export of British linen."

[120] See above, p 110.

[121] Mackinnon, The Union of England and Scotland, p 422.

[122] Mackenzie, Scotland in Modern Times, pp 7-8.

[123] House of Lords ix, 158-159

[124] Mackinnon, The Union of England and Scotland, p 477.

and the persistence of the Royal Burghs, succeeded in inducing the British Parliament to pass in 1727 an Act for the encouragement of the linen trade which was described in enthusiastic terms by Lindesay.[125]

Before this Defoe had been on his tour of Scotland, and we find numerous references to the linen trade. His remarks make it clear that almost all over Lowland Scotland linen factories were to be found. In some instances, such as Dumfermline, this manufacture was all that stood between the inhabitants and starvation; Perth was the centre of a great linen manufacture and larger quantities were exported to England from here than from anywhere else in Scotland; from Fife and Aberdeen there was a large export trade; Linlithgow and Glasgow were especially notable for the size of their factories, while cloth came to the latter from all over the country for bleaching.[126] The town of "Innerkeithen" had suffered since the Union, but the market for linen had grown "by reaon of the increase of the manufacture". Nearby at Bruntisland a factory flourished largely because it produced "green-cloth" used in the English printing trade instead of callicoe.[127] All these references, interesting as they are, provide little in the way of a yardstick to measure the effect of the Union on trade, though the general tone of Defoe's remarks leaves little doubt of his dissatisfaction over much that had been left undone.

After 1727 the Act gave considerable impetus to the linen trade as also did the activities of the Board of Trustees for Manufactures. The grant of £2,650 voted in the first year

[125] ibid., 473 quoting Lindesay, The Interest of Scotland Considered, p 95

[126] Defoe, Tour ii, 775,796-8,780,809-812,759.

[127] ibid., 772, 779.

was allocated as follows: "premiums for growing lint and hemp-seed, £1,500; the encouragement of spinning schools, £150; prizes to housewives før the best piece of cloth, £200; procuring of models of improved looms and other instruments, £50; and the inspection and stamping of the cloth, as ordered by the Act, £750."[128] In later years the Board improved the quality of linen by encouraging French weavers to settle in Edinburgh, and their success was so great that the value of linen manufactured in Scotland rose from £103,312 in 1728 to £294,000 in 1748.[129] At first the difficulties were still great for the main market lay in the colonies and until 1742 the British Parliament preferred Austrian and German linen to Scottish, because it was carried in English ships, but in that year a bounty was applied to British and Irish linen for the export market. If one man can be singled out for his great work in connection with the Scots linen manufacture, it is Patrick Lindesay, who insisted on modern methods, greater care in preparation and the overriding importance of linen to Scotland.[130] A valuable indication of the progress of the trade[131] is afforded by the fact that flax was grown less and less at home, but bought from other more backward countries and prepared in mills in Scotland. The first was established in 1729 and by 1773 over 250 were in existence. This figure had increased by 100 ten years later.[132]

[128] Grant, Economic History of Scotland, p 217

[129] Mathieson, Scotland and the Union pp 347-348; Scott Scottish Industry after the Union, pp 107-108 says the value of thread-making in 1760 was £522,153 and exceeded "the value of the whole exports of stockings, plaiding, linen, fish, butter, tallow, coal, lead, and salt in 1695 as returned in the Committee of Trade by 65 per cent."

[130] Mackenzie, Scotland in Modern Times, p 18

[131] Grant, Economic History of Scotland, p 220 shows that the Highlands did not share in this development, in spite of special efforts by the Board.

[132] ibid., 221.

Banking had in the meantime played its part in the advance of the linen industry as it had in so many others. The Bank of Scotland (1695) merely discounted bills and took no cash deposits; periods of prosperity were interspersed with years when it seemed likely to crash, but it managed to keep going.[133] Until 1727 it had done little to distinguish itself; in that year though, its monopoly expired and the Royal Bank was born. "The Act of 1718, which prescribed the manner in which the Equivalent was to be discharged, provided that the proprietors of the public debt of Scotland, amounting to £248,550, and consisting of arrears of salary, should be incorporated into a Company, whose income was to be the annual fund of £10,000 payable by the Government as interest on this sum. In 1727 such of the proprietors as pleased to transfer their stock were formed into a new Company, known as the Royal Bank...."[134] This bank got the capital because it was believed by the English that the Bank of Scotland was Jacobite.[135] It was in the next year that the Royal Bank introduced the cash credit system mentioned above. Two years later the old bank had followed its example. In 1746 a third Company, formed in the previous year especially to look after the finances and marketing of linen, became the British Linen Bank. These three banks played a great part in the immense industrial strides of the second half of the eighteenth century.[136]

[133] Mackenzie, Scotland in Modern Times, pp 16-17; Scott, Joint-Stock Companies, i, 376 says "it paid a dividend of 20% early in 1709; and, at that date, shares were sold at a premium of close on 100%, representing an advance of over 20% since 1706."

[134] Mathieson, Scotland and the Union, p 348; Mackenzie, Scotland in Modern Times, p 17 classifies further. "Now less than half the Equivalent had been paid in the sorely needed specie. The rest had come in paper and had caused much trouble. Debenture holders could get no interest; none was paid, in fact, till twelve years after the Union. A number of English speculators, therefore, bought up the bonds from discontented holders, and formed a society to deal with the interest, which now that the bonds were passing to English hands, had some chance of being paid. Certain long-headed Scots saw what was happening and did likewise; and in 1727...the two groups joined forces as the Royal Bank."

[135] Grant, Economic History of Scotland, p 234.

[136] ibid., p 232.

Other Industries. Before turning to Commerce it will be of interest to glance at one or two other industrial undertakings to see how they were affected by the Union. Of these by far the most interesting were the two Glasgow Sugaries.[137] They had been founded before the protective tariff of 1681 and neither before nor after that date did they have the same privileges as all other Scottish companies. In spite of that they prospered, possibly aided by the fact that they produced rum (a most popular beverage both in the colonies and at home) as a by-product. What is particularly interesting is that when Union came, these two undertakings successfully continued production and were the subject of admiting comment by Defoe.[138] A Soaperie too, which had firmly established itself in Glasgow by 1700, survived the Union and continued production until the latter part of the century.[139]

Commerce. That these three industries should have survived in Glasgow is not without significance. Some fifteen years after the Union Defoe was able to say of the city that it was the only one in Scotland "at this time that apparently encreases and improves in both" foreign and home trade.[140] In 1709 he had been much more sanguine. At that time, in writing his History, he acknowledged it was extremely difficult to decide whether Scotland had lost or gained by the treaty.[141] As one of the immediate benefits which had accrued to her though, he pointed to the trade with the colonies. Several ships had in the very first year sailed to Virginia and Barbadoes, and by the following year the total number which had set sail from Scottish ports to America was seventeen.[142]

[137] Scott, Joint-Stock Companies, iii 135,137

[138] Defoe, Tour ii, 747

[139] Scott, Joint-Stock Companies iii, 132

[140] Defoe, Tour ii, 745.

[141] Defoe, History, p 605

[142] ibid., pp.604,605

From his attitude towards these events it seems that to his knowledge there was no trade with the colonies before 1707; he therefore counted any such trade as clear gain. But the revelation that a sizeable trade had been going on before 1795 seems to leave this conclusion in doubt.[143] The legalisation of the trade would mean that the necessity for secrecy had departed. The evidence available indicates that in all probability the number of ships sailing to the colonies did not increase with great rapidity during these early years. Lack of capital was at the root of this. Not until 1718 did the first ship built on the Clyde sail to America; up to that time the Glasgow merchants had traded with vessels chartered from Whitehaven.[144]

From this time onwards though, in spite of setbacks, the Glasgow merchants built up for their city a trade which prospered mightily and its turn helped to form the basis of the future material prosperity of Scotland. It was here that the benefit of the Union was undoubtedly first felt on a large scale and Mathieson remarks that complaints were made by the Church at the "too great fondness" of trade, which was pushing religion into the background.[145] It is therefore with particular interest that we turn to Defoe's comments on the subject. Greenock, he said, shared in Glasgow's prosperity because its ships were used by the latter's merchants for the herring fishery. Glasgow itself was a "city of business". He believed that the mob which protested so vigorously against the Union[146] must now feel rather differently; for even at that time about fifty vessels were trading with the colonies and each year saw an increase in the number.[147] There were

[143] see above, pp 123-124

[144] Mackenzie, Scotland in Modern Times, p 14; Mathieson, Scotland and the Union, p 344.

[145] ibid., p 345.

[146] Defoe, History, pp 266-279.

[147] Defoe, Tour ii, 745

ideas of cutting a canal so as to link up with the Firth of Forth. In this way the tobacco and sugar would be sent by water to "Alloway", the port chosen as a clearing house and from thence to "London, Holland, Hamburgh and the Baltick"[148] As we would expect, Defoe was particularly enthusiastic over this scheme, but reluctantly confessed it would have to wait until the greater prosperity of Scotland provided the capital. Prosperity had begun to spread, however, for both Irwin (Irvine) and Dumfries had started to take a hand in the colonial trade.[149] Naturally these commercial activities had had their effect on industry. Amongst those mentioned was a muslin manufacture "perhaps the only manufacture of its kind in Britain, if not in Europe...," whilst their linen was a "principal merchandise" in the trade with the plantations.[150] Defoe rightly believed that Glasgow had every chance, by virtue of its position and the goods it had to offer (woollens, certain English goods from the north, "better linens, better gloves, more servants") of becoming one of the most important centres of trade with the colonies.

There were others who believed this too. The tobacco trade had grown so quickly that in 1724 four million pounds were imported and three millions re-exported. In face of this competition the merchants of Bristol became restive and legislation, which served to hamper the tobacco trade, was passed in 1725 by the British Parliament.[151] Yet in spite

[148] ibid., 746,749. He notes that the Glasgow merchants were already setting up a wharf at Alloway (by which he means Alloa) so that goods transported overland could be cleared from there.

[149] ibid., 746; Macrae, Scotland Since the Union, p 141 remarks that the Forth-Clyde Canal was begun in 1768 and opened in 1778 but "the Monkland branch of it was not completed until 1790."

[150] Defoe, Tour ii, 747.

[151] Mackenzie, Scotland in Modern Times, p 14

of these moves and a period of depression Glasgow in 1735 had 67 ships of 5,600 tons in all, of which 27 were trading to Virginia, Boston and the West Indies. Nearly half the total tonnage of Scottish ships at that time therefore belonged to Glasgow, for Scotland as a whole owned about 12,000 tons of shipping - and England nearly 477,000![152] It is worth while noting that by 1750 only London imported more tobacco than Glasgow which had left the other main English ports, Whitehaven Liverpool and Bristol far behind.[153] The tobacco trade, it is true, failed in 1777 but the Glasgow merchants were equal to the occasion and in course of time built up a thriving trade in cotton.[154] By that time too, it had developed the "paisley" manufacture which started in 1722 and had established iron works (the first in 1738) which, allied to the immense coal resources of Britain, were to have so great an effect on its future prosperity.[155]

From this scene of activity and hope it is necessary to turn to one of sombreness and depression. The East Coast[156] not only did not share in the prosperity of the West, it early showed signs of being hard hit by the Union. Indications of this are afforded by a long letter from Defoe to Harley shortly after the fall of Godolphin and Harley's return to power.[157]

[152] Burton, History of Scotland viii, 507; Mathieson, Scotland and the Union, pp 344-345.

[153] ibid., p 345

[154] Mackenzie, Scotland in Modern Times, p 20

[155] Mathieson, Scotland and the Union, p 345

[156] Grant, Economic History of Scotland, pp 203-204 says of the East Coast that it was "then the most economically important part of Scotland."

[157] 5 September, 1710, Hist. MSS.Comm. Portland iv, 584-90.

The letter contained a great deal of forthright advice well-seasoned with common-sense, and a lengthy "Proposal" designed to show that Leith was less suitable as a naval base than the Firth of Forth above Queensferry.

Its start is significant. "I lay it down as a foundation principle upon which the following proposals will depend that it is the great interest of England to study and promote the prosperity and increase of Scotland." Lindesay would have cheerfully agreed with this! Defoe stressed the necessity of an increase in trade, of higher wages to increase purchasing power, of finding employment for the poor people of Scotland, of making their own country more attractive to them so that they did not flock abroad to bring improvement to other countries. He was not content with merely saying what should be; he indicated how it might be. Because he was not writing a tome on the subject he wisely confined himself to one practical suggestion: shipbuilding.[158] Fundamentally the idea was to establish a strategic naval base and large dockyard. This would be very conveniently placed for the importation of naval stores from the Baltic, thus being independent of England in this respect for, if the herring industry was encouraged it would provide the capital to pay for the stores needed. At this stage Defoe stopped to chastise the Commissioners of Customs in Scotland. They had received an order from the Lord Treasurer to build three small frigates and, instead of putting it into the hands of competent Scots, had given the contract to an Englishman, who had built the ships at Newcastle.

He then proceeded to elaborate on his basic idea. The war with France, he contended, had shown England her serious deficiency in respect of a naval base on the East Coast. At enormous expense a base had therefore been built at Plymouth. The Dutch wars too, had indicated this deficiency and Charles II had in consequence established Hull as a "citadel". Nevertheless the northern trade was still unsafe and it would be

[158] He did mention commerce and manufactures, the need of enclosure, grafting and dairy-keeping, but purely as an introduction. ibid., 586

unwise to make preparations for all eventualities. What better place to establish a squadron than the Firth of Forth!

"A yard may be erected with dry docks for repairing, lauches for building and ways for graving and washing the men of war... In short, that all things be modelled according to the usage of the navy for the effectual furnishing and supplying about 14 men of war of the fourth or fifth rate, or as many as the Government shall appoint, and for building and rebuilding as occasion amy require...."[159] This project would perform the double task of securing the trade of Scotland if war should threaten it, and provide employment for many Scots, with all its beneficial economic effects.

Apparently it had been suggested that Leith was a more suitable spot. So Defoe meticulously set about explaining exactly why the Firth of Forth above Queensferry was a much more valualble base than Leith, championed by Edinburgh as the best site. At first sight it would appear that Defoe was prejudicing the case of Edinburgh, but clearly his proposal because of its scale, must be of greater advantage to the country as a whole than the other. The Leith scheme would involve at least £40,000 - or £50,000 in expense to the Government; the harbour would still be dangerous and unsafe; ships would be aground at low water; the proposed site of the wet dock was sandy, exposed to an enemy, and probably had insufficient depth of water. On the other hand above Queensferry was a vast natural wet dock little affected by storms, easily able to be fortified against enemy attack because of "the island of Inchgarvie lying in the middle", and having a safe depth of water. Obviously, said Defoe, this was a better proposition than the other, for Leith could not possibly maintain a squadron. From the Government point of view the Queensferry idea had the inestimable merit of requiring no outlay in money.

[159] <u>ibid.</u>, 588

Whatever the merits of the two ideas, and Defoe's certainly seems preferable, there can be no doubt about one thing. Edinburgh might want Leith as a base for its own private advantage. Defoe wanted the Firth as a base because it was clearly suitable for a larger squadron and would therefore bring with it greater economic advantage to the East coast as a whole. In this, as in so many other respects, he was a true friend to Scotland.

His interest in this part of Scotland had not abated twelve years later, but his vague fears had resolved themselves into hard facts. Edinburgh and the other East coast ports had decayed. Why? His answer, though it probably overstresses one side of the matter, is so important as to demand quotation at length: "I take the decay of all these sea-port towns, which 'tis evident have made a much better figure in former times, to be owing to the removal of the Court and Nobility of Scotland to England; for 'tis most certain, when the court was at home, they had a confluence of strangers, residence of foreign Ministers, being of armies, etc. and consequently the nobility dwelt at home, spent the income of their estates and the product of their country among their neighbours. The return of their coal and salt, and corn and fish, brought them in goods from abroad, and, perhaps, money; they sent their linnen and other goods to England, and received the returns in money; they made their own manufactures and though not so good and cheap as from England, yet they were cheaper to the publick stock, because their own poor were employed. Their wool, which they had over and above, went to France, and return'd ready money. Their lead went to Holland, and their cattle and sheep to England, and brought back in that one article above £100,000 sterling per annum.

"Then it was the sea-port towns had a trade, their court was magnificent, their nobility built fine houses and palaces which were richly furnished, and nobly finished within and without:They had infinitely more value went out than came back in goods, and therefore the balance was evidently on their side; whereas now their court is gone, their nobility and gentry spend their time, and consequently their estates in England; the union opens the door to all English manufactures, and suppresses their own, prohibits their wool going abroad, and yet scarcely takes it off at home; if the cattle goes to England the money is spent there too. The troops raised there are in English service, and Scotland receives no Premio for the levies, as she might have done abroad, and as the Swiss and other nations do at this time."[160]

[160] Defoe, Tour ii, 781-782

Mathieson believes that the decay of these ports was brought about principally by the development of the overland trade with England,[161] but Mackenzie[162] and Grant[163] both stress the loss which the abolition of the Edinburgh Parliament and the removal of the Court had caused, especially to Edinburgh itself.[164] Defoe went at some length into the details of Scottish trade with England, Holland, Bremen, "Hambrough", Norway, Sweden, "Dantzick", Riga, Spain and the Straits, and France. The main imports were sugar and tobacco, wine and brandy, naval stores, iron and copper, deals and timber, lint and linseed, yet according to his information, the balance of trade from the export of lead, coal, and salt, was greatly to the credit of Scotland. These advantages and those of the cattle and sheep trade were hopelessly off-set because the money all ran away "as into a sink".[165]

Few East coast ports showed any notable signs of prosperity at the time of Defoe's tour. But Abërdeen was one. Her trade with the Baltic in fish, with England, Holland and the Baltic in linen, and with Holland in pickled pork for the Dutch East Indiamen, had made her the third city in Scotland after Edinburgh and Glasgow.[166] Dundee and Kirkcaldy impressed him and Perth had a notable linen and salmon trade.

[161] Mathieson, Scotland and the Union, p 349

[162] Mackenzie, Scotland in Modern Times, p 7.

[163] Grant, Economic History of Scotland, p 203.

[164] See also Warrender Letters, p XXXI for this view, and letter from Lord Provost Warrender to the Magistrates 30 April, 1715 ibid., p 27 where Edinburgh is referred to as "our decaying city."

[165] Defoe, Tour ii, 785-786.

[166] ibid., 809-12, 805, 780.

An additional reason for its relative prosperity was that the Pretender had in 1715 remained for long at Scone and when he left some Dutch troops were quartered in the vicinity for the winter.[167] The case of Boristown Ness must have been typical of many other ports. Before the Union the town had, next to Edinburgh, been the most important engaged in the Dutch and French trade. The Union though had meant that they lost much o f the Dutch trade to England,[168] and the French wine trade was of course closed. It is not so surprising that under these circumstances, smuggling continued to be a very popular profession, nor is it difficult to understand why Scotsmen who believed that the Union and the English had been their ruin should break out into disorders such as the Porteous Riot of 1736. The disastrous economic state of a large part of Scotland was rendered even worse by the success of smuggling, which played its part in reducing the income from excise between 1733 and 1742 from £41,000 to £22,000 and found Scotland in 1742 with a total revenue of just over £30,000.[169] It was not until the turn of the century that prosperity began to come[170] and Scots in 1740 were not to know that their country was to share so fully in all sides of the coming Industrial Revolution. A very large share of praise for the country's rapid strides forward after 1745 must be given to the Scots themselves, their determination, and the success with which they applied their innate abilities to all aspects of industry and commerce. An interesting result

[167] ibid., 796-798.
[168] ibid., 722.
[169] Mackinnon, The Union of England and Scotland, p 478
[170] ibid., 482

of the rapid change from adversity to prosperity was that it produced a great revulsion of feeling in favour of the Union[171] and that it linked England and Scotland very very closely on the economic side. So closely that the Report of the Committee on Scottish Financial and Trade Statistics, delivered in July 1952 could read "We have found no practicable method of making a complete return of Scotland's share in the imports and exports, visible and invisible, of the United Kingdom." Moreover they could also find "no way of preparing a return of Scotland's imports from, exports to and balance of payments with other countries, including the rest of the United Kingdom." The only accurate return would be that relating to Government revenue and expenditure.[172] The framers of the Treaty of Union might have been happier about the economic consequences of their actions if they had been alive in 1952 than they were 230 years before!

In conclusion it will be of value to sum up the main trends that have emerged from this short survey. Before doing that it must be stressed that the bulk of the material provided by Defoe was assembled nearly ten years after the Rebellion of 1715. With the single exception of the cattle trade,

[171] ibid., p 487.

[172] Report of the Committee on Scottish Financial and Trade Statistics, July 1952, pp 78-79. This Committee, appointed in July 1950, was set up "to consider the practicability of making a return of (i) the revenue from and Government expenditure in -
(a) Scotland; and
(b) the rest of the United Kingdom ....
(ii) Scotland's share in the imports and exports, visible and invisible, of the United Kingdom.
(iii) Scotland's imports from, exports to and balance of payments with other countries, including the rest of the United Kingdom......."

Scotsmen up to 1715 could be excused for believing that their economic hopes had not been and could not be fulfilled. Even in 1725 Defoe's hopes for the immediate future of a large part of Scotland were by no means high. He believed that prosperity would come eventually, but he saw many obstacles to it. The most serious of these appeared to lie in the South: lack of co-operation by the English was one, and the absenteeism of the nobility another.

Looking at it from this distance England's attitude, though it may be censured, can easily be understood. One of the prime reasons for the Union from the Scottish point of view had been economic. England, beset by the prevailing mercantilist views, was naturally most reluctant to open up her markets to another nation to her own loss. The English fear of separate Scottish competition had conditioned the violence of their reaction to the Darien experiment; obviously it was only under the direst threats that they would allow Scotland a share in their jealously guarded commerce. That dire threat of division and disorder and bloodshed had been sufficiently clearly reflected in the Act of Security to convince the statesmen of England that Union must be achieved if their country was to be safe. They took the great step of giving Scotland equal intercourse in trade; many of the things that happened after 1707 showed that their regrets were not small. It was one thing to sign a treaty; it was another to see it implemented. Englishmen undoubtedly grudged Scotland any commercial benefit she might gain by the Treaty. Many of them did all in their power to nullify these benefits, for business possesses most of the tooth and claw properties of nature. In spite of this opposition, and with the help of a less selfish attitude on the part of such man as Defoe, who believed themselves morally bound by the Treaty, the Scots eventually gained a prominent place alongside their English neighbours. Their achievement is all the greater in that it

started in stark poverty; it had been a long and weary process, but the end was worth the exertion.

There are those who believe that Scotland could have achieved her later position without the Union. Mackenzie certainly seems to consider that all the successes Scotsmen achieved were in spite of rather than because of the Union. Such a view, however, ignores one fundamental truth. Prosperity could only come with markets and the stimulus to improvement. Darien had proved that Scotland was not strong enough to find her own markets. It would be interesting to know what other European countries were likely to welcome Scottish participation in their trade or, failing that, what possibility of success Scotland had in any future attempt to find herself a place in the sun. Probably her greatest chance of doing this would have lain in conquering England, with foreign aid if necessary; but in that event the story of 1603 was as likely to be repeated as not. So that in the end, Defoe and those who thought as he did, seem to have been right. His disappointment that the theory of immediate prosperity had been proved wrong was a keen as that of many Scots; but he could still say in 1725 "in the end, I am still of the opinion Scotland will be the gainer."[173]

[173] "By the middle of the nineteenth century Scotland's wealth per capita was greater than that of England...." writes Pryde, The Treaty of Union, p 67.

CHAPTER IV

Party Alignments in Scotland - Towards Rebellion 1715.

Party Alignments. A sketch of the party situation in Scotland at the time of the Union appears at the start of Chapter I. For a further understanding of the political position leading up to the most serious rebellion of all, in 1715, it is desirable that a little more should be known about these parties and the attitude adopted towards them by Defoe.

During the reign of William the party in power in Scotland came to be known as the Court Party and was referred to by Lockhart as "the Fanatick Party"; its members were also called by some the Whigs or the Old Whigs, though the term was not much in use then.[1] They were strong supporters of the Revolution and Lockhart maintained with considerable annoyance, that they outnumbered the opposition[2] the first ten years because they, the Royalists, had not taken much part in the elections, believing that "matters could not stand long in their present posture."[3] Soon the Royalists acquired the name of the Country Party and remained in stout opposition to the Court Party.[4] In dealing with these groups much greater emphasis will be laid on the nobility than on the other estates because they wielded a power out of all proportion to their numbers, by virtue of the strength of "feudal family sentiment".[5]

[1]Lockhart, Memoirs, p 4; Mathieson, Statesmen of the Union, p 63; Pryde, The Treaty of Union, p 11.

[2]Until 1698 when the Country Party, as the opposition came to be called, succeeded in carrying an address over the Darien trouble. Lockhart, Memoirs, p 5.

[3]Lockhart, Memoirs, p 3.

[4]ibid., p 5.

[5]Pryde, The Treaty of Union, p 10. It is interesting to notice that though quite a large proportion of the nobility were Episcopalian, the majority in both parties consisted of Presbyterians, some rigid, others moderate. ibid., p 11.

This comparatively simple division of parties had by 1704, become considerably complicated as a result of the Darien affair and the accession of Anne. In 1703 Lockhart described them thus: "First the Court Party, and these were Subdivided into such as were Revolutioners, and of Antimonarchical Principles.[6] and such as were any thing that would procure, or secure them in their employments and Pensions, and these were directed by the Court in all their Measures. Secondly, The Country Party, which consisted of some (tho' but few) Cavaliers,[7] and of Presbyterians, of which the Duke of Hamilton and the Marquis of Tweeddale, were leaders. Thirdly, The Cavaliers, who, from the House they met in, were call'd Mitchel's Club, of whom the Earl of Home was the Chief Man....."[8] But the Court Party had in 1703 been defeated by a combination of the other two. They had, as we have seen, failed to gain supply and Queensberry had only held up the Act of Security by refusing the touch of the sceptre. This circumstance, together with the enforced resignation of Queensberry over the Scots Plot, caused Godolphin to adopt new measures for overcoming the threat of the Act of Security. He approached the Earls of Rothes and Roxburgh, and Baillie of Jerviswood in an attempt to divide the Cavalier and Country Parties.[9] They were to attempt to settle the succession as the English Parliament had done.[10] In course of time these men, James Johnstone, a Secretary of State in King William's time, and the Marquis of Tweeddale emerged as the leaders of a group at first called the New Party and later the "Squadrone",[11] They were therefore

[6] i.e. anti;Jacobite.
[7] i.e. Jacobites.
[8] Lockhart, Memoirs, p 35
[9] ibid., p 106
[10] ibid., p 109
[11] ibid., pp 109, 138. In full the "Squadrone Volante" because they acted in a compact group, and "cast the Balance of the contending Parties in Parliament."

an offshoot of the Country Party,[12] had stood by the Darien Company, and were soon to agree that, for the good of the nation, a union with England was the best way out of an impossible situation - though a very poor best.[13] Estimates of the size of the Squadrone vary, Mathieson putting it at about fifteen,[14] whereas in 1707 Marchmont stated it had twenty-four members.[15] It was to this party that Godolphin entrusted the session of 1704 in the hopes that it would defeat the Act of Security and succeed in obtaining supply. Tweeddale in consequence became Commissioner.

To complicate matters still further certain members of the old Country Party (not the Cavaliers) formed what Pryde refers to as "a nationalist remnant."[16] Of these the most notable were the redoubtable Fletcher of Saltoun and Lord Belhaven, whilst Lord Annandale staunch only in his support of the Hanoverian Succession, but otherwise unreliable, also falls into this category.[17] These were the men who, though they were not Jacobites, fiercely opposed the Union because of their nationalist principles.

The session of 1704 did not prove a success for the New Party. Queensberry and his adherents, piqued at dismissal from office, combined with the Cavaliers or Jacobites and together forced the acceptance of the Act of Security on an unwilling Godolphin.[18] Seeing the weakness of the New Party the Government jettisoned them and determined to return to

[12] Party distinctions were not, of course, rigid. The Earl of Marchmont, though Commissioner in 1698, appears as a member of the Squadrone and was a strong supporter of, and believer in, the Union on religious grounds. Later Argyll and Islay co-operated with the Tories after Godolphin's downfall, as did Mar.

[13] Mathieson, Scotland and the Union, pp 163-4, 172; Pryde, The Treaty of Union pp 20-21.

[14] Mathieson, Scotland and the Union, p 83

[15] Marchmont Papers iii, 328

[16] Pryde, The Treaty of Union, p 12

[17] Mathieson, Statesmen of the Union, pp 71-74

[18] Mathieson, Scotland and the Union, p 64; Lockhart, Memoirs pp 121-125.

the Court Party. This time, though, Argyll was to be Commissioner with instructions either to settle the succession or to press for the treaty, with the latter as the more likely. It was finally agreed that the Treaty of Union should be attempted and, aided by the sudden defection of Hamilton, the Scots Commissioners were left to be appointed by the Queen.[19] At this stage the alignment of the parties for the coming struggle became a matter of the greatest importance. The Court Party with Argyll, Queensberry, Seafield, Stair, Mar, Loudoun and Glasgow as some of its most prominent members, could not be certain of a majority. It had become obvious that the New Party would hold the balance of votes. After being turned out of power in 1704, none of its members had been included in the list of Scottish Commissioners,[20] so that the possibility of their opposition was not to be discounted. A variety of reasons, particularly the question of economic benefit, a Popish prince, and the danger of war should the treaty fail, persuaded them to vote as a body for the Union.[21] It was this support that ensured the success of that measure.[22]

The Cavalier Party and that remnant of the Country Party before mentioned had laboured under some difficulty in that the Duke of Hamilton, the generally acknowledged head of the opposing forces, had acted with his customary inconsistency. During the passage of the Treaty and when it had become clear that Parliamentary opposition to it was in danger of failing, a plot had been hatched to overthrow it by force. Defoe himself had noted the number of Highlanders in Edinburgh and commented on their strange appearance.[23] The scheme adopted by

[19] see above, pp128-129.

[20] Pryde, The Treaty of Union, p 22.

[21] ibid., p 21.

[22] see above, pp.23-24.

[23] Defoe to Harley, 13 Nov., 1706, Hist.MSS.Comm., Portland iv 348.

the Cavaliers was a bold one. The Cameronians or "Western Whigs" to whom Union was anathema because of their covenanting ideas were to be persuaded to join forces with the Jacobite Highlanders to overthrow a measure which both disliked so heartily. For the time being the anti-Popish feelings of the Galloway men were allowed to slip into the background so as not to prejudice the success of the undertaking. Yet the Government could not avoid observing what was going on under their noses, particularly as the Cameronians address had arrived on 16 November 1706;[24] three days later Defoe remarked "All the West is full of tumult."[25] Shortly afterwards the valuable work of a "Mr Pierce" was mentioned by Defoe, and by 24 December that gentleman had gained the Rev. John Hepburn to his side and gone far towards persuading the Cameronians that they were being duped by their Jacobite friends.[26] Andrew Lang successfully proves that this "Mr Pierce" was Ker of Kersland.[27] Ker's work, though, looked like being undone by Cunningham of Ecket, whose influence with the covenanters was considerable; moreover he was supported by the Rev. Mr. MacMillan, a more extreme member of the sect than Hepburn.[28] In spite of their agreement with Ker they were persuaded to march by these two and then - the Duke of Hamilton cancelled the uprising! This he did in great secrecy so that before any of his leading associates in the conspiracy could do anything about it, the large majority of the rebellious forces had dispersed.[29] Lockhart's disgust was great. Whether the Duke was fearful of the Court, who may have had some hold on him; whether he thought too much of his English estates; or whether, as he

[24] ibid., 351

[25] ibid., 353.

[26] ibid., 24 Dec.1706, 372, 26 Dec. 373., 27 Dec., 374.

[27] Lang, A Romantic Plot, pp 84-92.

[28] ibid., p 84

[29] Lockhart, Memoirs, p 284

himself said, he believed the rebellion would not have been strong enough to make headway: none of these things mattered now. The tragedy was that the nefarious Parliament had not been "at once sent packing" as Lockhart had hoped.[30]

But this was not to be the last of Hamilton's inexplicable acts. After his agreement had been gained to an address against the Union which was to be presented by about five hundred Jacobites specially invited to Edinburgh for the purpose, he successfully torpedoed the scheme by demanding that a clause should be inserted guaranteeing the Hanover Succession. His reason for this move was that it would give the Tories in England some "Foundations to go upon."[31]

A final effort was made to present yet another address in Parliament; the substance of it was that the Scottish Parliament had no power to abolish itself or alter the constitution. The Duke of Hamilton strenuously supported this address, which he was supposed to present, until the day for its presentation arrived. To the consternation of his supporters he was on that morning "seized of a Toothache" and refused to put in an appearance. Although afterwards persuaded to go to the House, he refused to put forward the address himself and so much time was spent in argument that the opportunity was lost.[32] This shilly-shallying on the part of its principal opponent made the passing of the Treaty easier. It also shook the faith of many in Hamilton and strengthened the party position of his rival the Duke of Atholl, as we have seen.

Defoe had been watching this scene with lively attention. He was fully aware of the great part played by the nobility

[30] _ibid._, pp 284-285
[31] _ibid._, pp 285-292.
[32] _ibid._, 295-325

as a whole in the successful passage of the Treaty,[33] and acknowledged the brilliant success of Queensberry, who had been Commissioner in this the last session of the Edinburgh Parliament, by dedicating his History to him.[34] But he had a great deal more to say about the opposition, which he divided into four classes.[35] First came the "profest" Jacobites, who openly fought the treaty purely because of their views on the succession. He considered them to be the "honestest of the enemies of the treaty". Then came the episcopal party. Those who straightforwardly objected to the security given to the Presbyterian Church by the Union were applauded by him, but he hinted that some had been less open. The next party was clearly the rabid Presbyterian section. He believed they had in general acted through conviction that the treaty was dangerous to the Church. Apart from the disturbances at Dumfries, they had confined themselves to legal and peaceful attempts.[36] It was the fourth group that roused him to righteous indignation. They had "vigorously and violently, by all manner of artifice, trick, and underhand dealing, opposed the Union, merely upon political enigmas, reasons of party founded upon state principles, ambition, emulation, party-pique, prejudices, and a vast variety of unhappy conjuctions...." These were the people who had roused the Jacobites to say that the Protestant Succession was in danger; stirred up the Episcopalians to cry that the Presbyterian Church was insufficiently protected by the treaty; caused the "Tory" to speak of a "breach of covenant"; and incited otherwise "well-minded" Presbyterians to raise rabbles. They

[33] Defoe, History, p 471

[34] ibid., p xxxi. "Even those people who pretended to oppose your Grace in the matter of the treaty, confess the honour of finishing the Union to be your Grace's due; since they look on the choice of your Grace to that work as their chief disaster, declaring what they hate to hear repeated, viz. that no man in Scotland but yourself could have done it.."; The very violence of Lockhart's denunciation of Queensberry (Memoirs, pp9-11) shows how much he felt the success of the treaty had been due to his expert management.

[35] Defoe, History, pp 218-220

[36] He believed the Glasgow trouble to have been caused by the Jacobites.

had undertaken "to join Cameronian and Persecutor; Presbyterian and Papist; Protestant Succession and Jacobitism....." And many of them were gentlemen whom he did not propose to name, out of respect, or was it caution? High on the list, if one is not mistaken, would have appeared the name of George Lockhart.

Party passion had flourished mightily during that last session and Defoe had been infected by these feelings. His fierce denunciation of the more violent opponents of the Union hardly does justice to their true motives. Doubtless there were some self-seeking and despicable individuals, but all Scotsmen must have felt great pangs at the thought of the destruction of their own Parliament and possibly their nation as a separate entity. All recognised that this was a perilous step. They only differed as to its necessity or not. Defoe himself mentioned some of the objections raised as if they could not possibly carry any weight. There were stories of "insupportable taxes", "loss of employment", "excessive customs", "unprofitableness of trade". There were fears that "all their laws, liberties, and estates" were at the "absolute disposal of the British Parliament", quite apart from the general cry of breach of covenant and bowing down to prelacy.[37] His feelings can well be imagined when, a few years after the Union, so many of these fears had been substantiated.

<u>Union's Effect on Parties.</u> As soon as the Union came into effect the great Scottish parties naturally appeared less in the public eye, and their actions were to a great extent conditioned by what happened on the English scene. The Scots elections were shamelessly manipulated by the Government and tended, as in England, to reflect fairly clearly the wishes of the ministry

[37] Defoe, <u>History</u>, pp 221-223

holding the Queen's confidence. The Squadrone, after their failure in 1704, did not again return to favour during the reign of Anne, and were evidently carefully excluded from positions of authority. Defoe, in reporting to Harley on possible candidates for the post of Commissioner of the Church General Assembly in Scotland, remarked that Lord Polwarth (son of Marchmont) was the most suitable candidate. Unfortunately the single fatal objection to his appointment was that "the whole squadrone were utterly unqualified as a set of men" to serve the Queen. Because of recent dealings with that party, the Earl of Stair was also suspect.[38] Marchmont himself not only failed to achieve nomination to the coveted sixteen during the Queen's life, but was also in 1710 deprived of his office of High Sheriff of Berwickshire.[39] This exclusion is not to be attributed so much to their nationalist as to their religious convictions. A valuable pointer in this direction was afforded by Defoe's statements after the religious acts of 1711. His complaints of the Squadrone's unmanageability in September of that year[40] were followed a year later by an accusation that they had played some part in causing unrest among the Cameronians.[41] Apparently about eight or nine thousand of them had assembled out in the country under the fiery MacMillan, and remained together from Thursday to Sunday towards the end of July.

[38] Defoe to Harley, 19 Feb.,1710-11, Hist.MSS.Comm., Portland iv, 661.

[39] Marchmont Papers i, xxxvii. He regained his position on the Queen's death.

[40] Defoe to Oxford, 3 September, 1711. Hist.MSS.Comm. Portland v, 82.

[41] ibid., 27 August, 1712, 217.

Fortunately no disorder had followed and a week later there was no news of any further gatherings.[42] He believed though that the Squadrone, in order to make trouble, were active in persuading ministers not to take the Abjuration Oath.[43] An additional reason for their failure to gain office must have been their unpopularity with the Court Party.[44] This party (Defoe called them the Whigs) and the Cavaliers (Tories)[45] waged battle unceasingly to gain Parliamentary position and their fortunes varied with those of the two great parties in England.

It is particularly interesting to see the reactions of Defoe to the Scottish elections of 1710, which were won hands down by the Tories, with the support of Argyll.[46] Harley had returned to power and there was every indication that the Tories were about to take a strong hand in affairs of government. Defoe was carefully indicating to anybody interested that his views were moderate with a slight Tory bias.[47] At the same time he could not conceal his anxiety on the subject of the Pretender and Jacobitism as a whole. He explained

[42] ibid., 218-219

[43] ibid., October 1712, 242.

[44] ibid., 3 September, 1711, 83. "...the little interest the Squadrone had with them (the ministers of the Kirk) appeared in the great struggle at the last election but one, when these stuck all to the Court Whigs against the others and threw them out everywhere...."

[45] Defoe to Harley, 18 Nov., 1710. Hist.MSS.Comm., Portland iv 630.

[46] Mackinnon, The Union of England and Scotland, p 408

[47] See above, p 4.

carefully to Harley that the Scots Tories were not only Jacobites one and all, but also quite open about it.[48] They had circulated the story that the Queen was about to denounce the Protestant Succession and even restore the Pretender to his ancient throne by abdicating himself. He went on to rate the conduct of Argyll and his brother Islay in the recent elections.[49] Most significant of all, he stressed the damage done to relations with Scotsmen loyal to the Union and the succession by the election of certain "professed Jacobites.. the Earl Marischal, Kilsyth, Blantyre and Hume" to the sixteen. This circumstance he felt, must only strengthen the fears of the loyalists that what they heard from the Jacobites was indeed true. He hinted indeed that the whole affair was serious enough to cause talk of a coalition between the Whigs and the Squadrone.[50]

A week later he returned to the attack.[51] It was rumoured that considerable changes were to be made in the higher military offices in Scotland. He implored Harley not to allow any member of the Tory party or anyone from the Episcopal party, as he called it, to get a foothold here. To do so would not fall far short of handing over Scotland to the Pretender. These fears were not isolated ones. The next four years were to prove most perplexing to a great many people in England and Scotland, and it is clear that a state of uncertain expectancy prevailed. Nobody knew quite which way the cat would jump.

One can almost hear the sigh of relief, therefore, with which Defoe greeted the news that Harley had personally spoken in contradiction of these insidious rumours.[52] He was

[48] Hist.MSS.Comm. Portland iv, 630

[49] See above, p104.

[50] Hist.MSS.Comm, Portland iv, 629-633.

[51] 25 Nov., 1710, ibid., 633

[52] 6 Dec., 1710., ibid., 641-642.

particularly happy to hear this news because, so he stated, it had always been his special care to convince the people of Scotland that Harley was for the Hanoverian Succession. Ever cautious though, he suggested that, if the Queen could be induced to make a public pronouncement, this would have a greater affect in Scotland than an army of 10,000 men. As it was, however, the Presbyterians, the people who mattered, were greatly pleased at the Lord Treasurer's speech. Three weeks later Defoe was able to write to Harley that he had spent the interval in convincing everyone who could be convinced that whilst Harley was in power and the Queen alive their interests would not suffer. With characteristic lack of modesty he made it abundantly clear that these efforts had been completely successful.[53]

However impressive his statements in this connection, there were still signs that lingering fears troubled him. About six months later, in writing on certain customs difficulties involving the running of French wines from Holland, he mentioned the fears of well-disposed inhabitants of north Scotland with regard to military preparedness there if the Pretender should come. There was only "one battalion of foot and three regiments of dragoons, one of which is but half a regiment."[54] This state of affairs puts us in mind of the situation in 1708. Then, as later, the Government had shown culpable lack of interest in Scottish military affairs. Almost exactly two months later Defoe showed signs of the greatest uneasiness over the conditions of Scotland as a whole. He repeated that it was essential Oxford and the Queen should immediately show their hands.[55] This time his contention was

[53] 26 Dec., 1710, ibid., 648

[54] 26 June, 1711, Hist.MSS.Comm. Portland v, 22

[55] 27 Aug., 1711, ibid., 77-78.

supported by reference to the awkward position in which the magistrates, provosts and baillies found themselves, because any attempts they made to keep the Jacobites in check were ridiculed by that party who repeatedly stated that the Minstry was in their interests.

At about this time the affair of the medal and that of a virulent pamphlet written by James Dundas, an advocate in Scotland, had come to a head,[56] and it was in answer to a letter from Oxford, accusing the magistrates of failure to do their duty, that Defoe himself had written. The medal had been presented to the Faculty of Advocates by the Duchess of Gordon "an excitable and rash woman, a Roman Catholic and an ardent Jacobite. It had on one side a likeness of the Stewart representative, with the significant legend '<u>reddite</u>' and on the other a little map of the British Islands, with the legend 'cuius est'." Dundas was evidently concerned in the reception of this medal, and the insulting action was mentioned by one of Defoe's correspondents. Defoe included it in his letter to add weight to his pleas. His correspondent believed, if nothing was done about the medal affair, "that the Ministry are for the Pretender, will be so far confirmed to the people, that all honest men and friends to the Queen and the present Ministry will be silenced...." Evidently a prosecution was initiated but allowed to drop, and the same thing happened with regard to Dundas' pamphlet entitled <u>The Faculty of Advocates' loyalty, in a letter to the Queen's most excellent majesty, by one of the Dean of Faculty's Council</u>. This in spite of the fact that it compared King William to Nebuchadnezzar and Nero, spoke of the Union as the ruin of Scotland and explained that the only remedy was a Stewart restoration. Defoe and his correspondent can in the circumstances hardly be blamed for fearing the worst.

[56] Burton, <u>History of Scotland</u> viii, 243-245.

A week later Defoe, after stressing the need of some body equivalent to the Scots Privy Council,[57] once again returned to the party situation to reinforce his oft-repeated views.[58] Of the Jacobites there was nothing new to say. The Squadrone he berated as trouble-makers who had always been against the Court and at present were trying to rouse the more violent Presbyterians. He insisted though, that they did not have great influence with the "generality", who were well-guided by the ministers. That he had his finger on the pulse of Scotland is made clear by his almost despairing statement: "....it is her Majesty's interest to preserve, to keep them (the ministers) easy and safe. These are the people I always acted by, these made the Union, and these keep the balance in their hands, so as you will never find any hot measures or furious motions while they are encouraged."

These frequently expressed appeals do not seem to have over-estimated the chaotic condition of Scotland. In December 1712 the Earl of Kinnoull wrote to Oxford commenting on the great discontent there. He was hopeful that peace would enable the Government to devote more attention to the pressing needs of his own country and try to establish some sort of law and order there, because there was no sign of it and everybody did exactly as he pleased.[59]

But the Jacobites, although apparently strong and certainly very noisy, appear to have had more than one chink in their armour. Lockhart wrote to Oxford in the latter half of 1713 explaining that the "Tory" party wanted only a little encouragement to overcome the "Whigs" at the next election.

[57] See above, ~~pp 36-38~~ p. 59.

[58] Defoe to Oxford, 3 October, 1711, Hist.MSS.Comm., Portland v, 82-83.

[59] Hist.MSS.Comm., Portland v, 256

This statement was heavily qualified by his remarking that the Whigs had a big advantage in their unity and leadership;[60] an advantage which, when taken in conjunction with their support of Presbytery and their backing by the Ministry, was demonstrated beyond doubt by their great success in the Scottish elections early in 1715.[61] If we are to believe J. MackGregory, a correspondent of Oxford's writing to him after the death of Queen Anne, the Scots Tories had yet another weakness. From being ever ready for revolt while the Whigs were in power they had, of late years, allowed all their military preparedness to fall into disuse because they believed the English Tories would guarantee the Stewart Succession. They had convinced themselves that the Ministry was in the Pretender's interests and the abrupt change in 1714 had taken them completely unawares. MackGregory remarked with some satisfaction that the Scots Tories had, in their ignorance, made "no distinction betwixt " Oxford and Bolingbroke.

[60] 30 July, 1713; ibid., 478

[61] Burton, History of Scotland viii, 253; Duncan Forbes on 25 Feb., 1715, More Culloden Papers ii, 68 wrote "The Tories are much out of countenance for the success of their election and wait only with concern to see what course the Whiggs who will certainly have a great majority in the parliament resolve to take."

The Scots Whigs had done likewise, but "out of design".[62] So the Jacobites had been duped by Harley and in consequence George I was allowed to settle himself on his throne before they could rise in favour of "their young master".[63]

Towards Rebellion. When they did rise, it may seem astonishing to discover that the man who raised the standard of revolt was none other than the Earl of Mar. A glance at his career may help to explain his defection. He had been a member of the Court Party before the Union and continued as one of the two Scots Secretaries of State after 1707. His support of the Union had never been in any doubt in those early days. We find him on 2 March, 1705-6 indicating his sorrow that Montrose appeared likely not to lend his aid[64] to a measure which Mar felt would be so much to the advantage of Scotland, particularly as England was so well-disposed at the time.[65] He was one of the thirty-one Scots Commissioners whose work had been so well done.[66] Both inside Parliament[67] and out of it he did not cease to persuade waverers or opponents that the gain to Scotland must be inestimably great, for the terms were "so reasonable, fair and advantagious."[68]

[62] 16 Oct., 1714, Hist.MSS.Comm. Portland v, 498-500. Defoe himself in his Secret History of the White Staff, ii 12 said "that which was most wonderful in all this part was that the whole body of the Jacobites in Britain were capable of being imposed upon to such a degree, that it was possible the Staff could use them as tools to such a length and not take one real step in their favour, as it is certain he never did; and yet they should be so stupid, as that to the last four months or thereabouts to believe him in their interests." His belief is borne out by Feiling, History of the Tory Party, pp 456-457.

[63] MackGregory to Oxford, Hist.MSS.Comm., Portland v, 498

[64] Hist.MSS.Comm., Mar and Kellie v, 278 shows Montrose did support it.

[65] ibid., 253

[66] Pryde, The Treaty of Union, p 22

[67] Mackinnon, The Union of England and Scotland, p 439 quoting Clerk's Memoirs, pp 87-88

[68] Mar to Godolphin, 16 August, 1706, Hist.MSS.Comm., Mar and Kellie v, 278; Mar to his brother James Erskine, 18 Aug. 1706 ibid., 272.

In his capacity as one of the Secretaries of State he was upset and not a little disgruntled by the early Customs dispute which caused such a stir in Scotland and England.[69] Both he and Loudoun had done all they could to smooth matters over.[70] Nevertheless, as the first of the pinpricks which in due course persuaded Mar that he had been wrong about the Union, this incident was an important one. Apparently he had expressed some strong dissatisfaction to Cromarty, for the latter wrote urging him not to lose his "fondness for the Union" because a few people had broken the rules. He believed that difficulties such as had just occurred formed an inevitable part of the early stages of any such great constitutional adventure.[71]

These were wise words and had probably been forgotten when the Privy Council was abolished, though it is true that Mar's annoyance at this occurrence was directed primarily at the Squadrone who, he felt, had been responsible for the change. He was one of those who argued against the abolition on the grounds that it tampered with the hereditary jurisdictions of the peers and, as we shall see, anything affecting peers' privileges aroused fierce animosity in him.[72] But at this stage his loyalty was not seriously shaken and all his letters at the time of the 1708 Rebellion show his care and anxiety to bring that affair to an end and at the earliest possible moment.[73] Any possibly rebellious feelings arising out of his replacement as Secretary by Queensberry early in 1709

[69] Mar to Erskine. 16 Aug., 1707, ibid, 413.

[70] Mar to Chancellor, 6 July, 1707, ibid, 405-407

[71] Cromarty to Mar, 10 July 1707, ibid, 402

[72] Mar to Grange, 2 Dec., 1707, ibid., 420

[73] Hist.MSS.Comm., Mar and Kellie v, 430-470

appear to have been dispelled by the pension of £3000 per annum given him by the Queen.[74] Burnet maintained that all the Scots Peers objected to the Treason Act, so that it is reasonable to assume Mar felt as strongly as many of his colleagues about this tampering with the law of Scotland.[75] He had few objections, though to the Toleration or Patronage Acts.[76] Indeed he was one of the peers who favoured both these measures, and, according to his own story, returned to the House of Lords in the middle of the trouble over Hamilton's patent specifically to help in the pass age of the Toleration.[77] Whilst he recognised the uproar they would cause in the Church General Assembly, he was of the opinion that both these acts were wise ones. Evidently he was Episcopalian himself and this fact probably played an important though negative part in his eventual defection. Had his religious convictions been strongly Presbyterian, he must have found it harder to support a Roman Catholic prince.

As with so many other Scotsmen, the various acts of the British Parliament since 1707 had to a greater or lesser extent rankled. His confidence in the advantages which he had so loudly proclaimed must by 1711 have suffered considerably. That this was so is amply borne out by his violent reaction to the Peerage Bill which deprived the Duke of Hamilton and Brandon of his seat in the House of Lords. His

[74] Mar to Grange, 3 Feb., 1707-8, ibid., 480

[75] Burnet, History of His Own Time iv, 257

[76] Though he did consider the Patronage Act unseasonable. Mar to Justice Clerk, 15 March, 1711. Hist.MSS.Comm, Mar and Kellie v 489.

[77] ibid., 494.

belief then was that only two courses remained open to them; either to dissolve the Union or to persuade the Lords to reverse their verdict. But he was sure the Lords would not do their part, and he considered that Parliamentary dissolution could not be brought about except by fixing the succession and then Scotland would be in worse condition than before 1707.[78] In a later letter he stressed once again the improbability of a dissolution of the Union and made the significant statement, "If we saw a possibility of getting free of the Union without a civill warr we wou'd have some comfort....."[79] Thus far had his opposition progressed by the beginning of 1712.

A year later the condition of Scotland roused Mar to complain to Oxford that "the long delay of business relating to this country, has sunk the reputation and credit of the country lower than ever I saw it....,"[80] and in June 1713 he conveyed the news that addresses were preparing from all over Scotland.[81] He referred in his second letter, to the Malt Tax and the peerage annoyance. Yet his appointment as Secretary by Oxford in September shows that at that stage there was no suspicion of treachery on his part. Nor does he appear to have felt that the situation had deteriorated beyond recall even after the Queen's death. On 7 August 1714 he explained to his brother that, as his enemies had been for years at pains to destroy his reputation in the eyes of George I, he expected to lose his position as Secretary of State; but he would not be unduly worried about this if his arrears in salary (about £7000!) were paid to him.[82] Burton has described the last-minute attempts of Mar to convince the king of his loyalty by writing a letter to him and sending

[78] ibid., 27., Dec. 1711, 490-492.

[79] ibid., 17 Jan. 1711-12, 494

[80] 15 Dec., 1712, Hist.MSS.Comm., Portland x, 285.

[81] ibid., 296

[82] Mar to the Justice Clerk, Hist.MSS.Comm., Mar and Kellie v 505.

with it an address of loyalty from a number of North Highland chieftains.[83] No good effect was produced on that monarch, whose lack of understanding of the English political system led him to believe that all Tories and persons associated with the previous administration were his enemies.[84] On 24 September 1714 Mar was replaced by the Duke of Montrose as Secretary of State. For nearly a year he remained at Court hoping for a return to favour but when it became obvious that this was impossible, "seeing his associates impeached in England for treason, and finding that by the king's orders Stirling Castle was to be taken out of his hands,[85] " Mar stole away in disguise on 2 August 1715 to raise the standard of revolt.

Burton surely does him less than justice when he maintains that Mar was influenced only by base motives: "greed of place, power, and emolument, mortified ambition, and revenge."[86] No doubt he was to some extent influenced by all these things; but he had worked well for his country and done all in his power to make the Union a success. He was not the only Scot who had smarted under the numerous insults offered to his country by the English. Until 1715 he had hesitated to appeal to violence even though he felt that was the only way to destroy the Union. He had hesitated in spite of his own feelings, shared probably by a majority of his countrymen, that the Union had proved a failure - that the worst hopes of the anti-unionist party had been realised within eight short years. Nor did there appear to be any sign in 1715 that time would improve the situation. Very important too, his religious convictions did not awake in him an unalterable dislike of a Popish King. In the final

[83] Burton, History of Scotland viii, 254-255
[84] ibid., 256
[85] Hist.MSS.Comm., Mar and Kellie v, xxvi
[86] Burton, History of Scotland viii, 254.

analysis it was that one factor, more than any other which ensured that, notwithstanding the immense dissatisfaction with the Union in Scotland, the majority of Lowland Scots would oppose the revolt. Without condoning Mar's defection it can very properly be understood as the hasty[87] action of an ambitious man embittered by the desperate situation of his own country.[88]

Rebellion. For our purposes it will be sufficient to outline the developments in 1715 and 1716 so as to explain the general course of the revolt and account for its failure. In spite of Defoe's complaints some four years before about lack of military preparation,[89] the Government had done as little in this direction as in 1708. An anonymous letter to John Forbes, (elder brother of Duncan) written on 4 September 1714 contained the assertion that the Jacobites would rise in vain because of the impossibility of their obtaining help from the French. The British and Dutch fleets would see to that. But the writer wished that the Government would see fit to send more troops to Scotland to stop the Jacobites ruining themselves.[90] A more serious warning was issued by John Forbes himself on 18 February 1715. In writing to his

[87] His letters reveal he was hasty.

[88] Burton himself says of the period 1711-12 "It was difficult to find any body of men, in ecclesiastical synod, or country meeting, or corporate municipality, who, if they were not writhing under acts of palpable injustice, had not some complaint of contumely and insult against England." History of Scotland, viii, 243.

[89] 26 June 1711, Hist.MSS.Comm., Portland v, 22

[90] More Culloden Papers ii, 41-42. This letter was possibly written by John Campbell, at one time Provost of Edinburgh.

brother Duncan he asserted that the Pretender was expected at any time and "if he does come, there will be bloody bricks, and your steatsmen, who might very safely have kept the peace of the Countrie (if they sent but a few troops tymously to it) will perhaps find to their cost at last, tho we most be the first sufferers, that by their neglect they have raised a devill that they can not easily lay....."[91] Yet very little seems to have been done by the authorities to prepare for a danger which was clearly seen to be threatening, especially in London. From there John Forbes wrote to his wife (30 July 1715) saying that it was not a question of whether the Pretender would land, but of where.[92] Ten days earlier Warrender the Lord Provost of Edinburgh, had written in similar vein to the City magistrates. The king had received the news that the Pretender might be ready within fifteen days.[93] By this time the Government was becoming agitated and on 21 July the Lord Provost was able to inform the magistrates that a bill had been introduced to dispense with the "Habeas Scorpus(!) acts of England and Scotland and allowing the king to serve such persons as He suspected and to sease upon all horses above £5 sterling except mears with foal."[94]

This act is of some importance in view of its results. It laid down that suspects should present themselves at Edinburgh; that "loyal vassals of superiors who should be attainted for treason" would be granted their estates; that

[91] ibid., 65. (Shortly afterwards John Forbes was returned as Member of Parliament for Inverness) The Jacobites had been particularly active since Queen Anne's death, and though the accession of George I had been celebrated in Edinburgh with great splendour and considerable Presbyterian support, they had by their extravagant wassailing and their open statements made it clear that the Pretender was expected before very long. Burton, History of Scotland viii, 251-252

[92] More Culloden Papers ii, 79

[93] 20 July 1715, Warrender Letters, pp 57-58

[94] ibid., p 60.

that any loyal tenants of such superiors would be exempted from rent for two years; and that loyal superiors should be granted the lands of any rebellious vassals.[95] The immediate effect of the act was to drive any waverers on to the rebel side; nor did it have any long-term success for, as Burton says, the idea of a Highland vassal becoming a superior was laughable.[96] It made provision for any previous settlement of estates by rebels. Scotsmen had perfected a system of handing over their domains to some member of the family who would not involve himself against the Government, and only thereafter rebelling themselves. By the act any such arrangement made after 1 August 1715 was to be null and void. The last thing it did was to increase the reward for the Pretender, dead or alive, from £5000 to £100 ,000.[97] Other hasty arrangements were made to improve the defence of the island. A further 7,000 men were to be raised immediately, but as Burnet says, this was not something that could be done in a twinkling, and in any case most of the troops, as they were raised, were posted in England.[98] The army in Scotland consisted in fact of only four foot regiments and four of dragoons, while a force of 6,000 men was demanded from Holland under the treaty arrangement with her.[99] The Duke of Argyll was titulàr

[95] Mathieson, Scotland and the Union, p 300

[96] Burton, History of Scotland, viii, 265-267. Only two of the sixty men cited did appear.

[97] ibid., 263; Lord Provost to Magistrates of Edinburgh, 26 July 1715, Warrender Letters, p 64

[98] Burnet, History of Scotland viii, 264

[99] ibid., 270-271. The original foot regiments consisted of 257 men each, and the dragoons 200.

commander-in-chief[100] and this great soldier, with his own people of Argyll foursquare behind him, turned out to be a very wise choice.

He immediately set about strengthening his forces by means of loyal Lowlanders. From Glasgow he was able to get 600-700 valuable men who reinforced the army at Stirling on 19 September. Other small forces, notably one from Dumfriesshire consisting largely of Cameronians, were raised on the same model and performed valuable services.[101] The attempts of Edinburgh to raise a voluntary association on 1 August had been rudely damped by the Court who, according to Burton, objected to such movements as being unmilitary.[102] Mathieson believed that the wording of their assurance, wherein they pledged themselves to help defend "our holy religion, civil liberties, and most excellent constitution in Church and State", savoured too much of the Covenant, and this was the main reason for the refusal of the offer.[103] Even this, however, did not stop the citizens of Edinburgh and Glasgow banding together for their own defence.

In the meantime it is time we observed what steps the Earl of Mar was taking. He had called a great 'tinchel' or hunting party at Braemar for 26 August.[104] News of this had

[100] In 1711 Defoe had written to Oxford in answer to a query as to who would be the most suitable commander-in-chief. One of his proposals had been to appoint a commander-in-chief of importance who was "likely to be always abroad." He at that time suggested Orkney. 15 September 1711, Hist. MSS.Comm. Portland v, 90. Nine months later he was urging Oxford to restrain the impetuous Argyll, who had evidently by that time been appointed to the command. 16 June 1712, ibid., 183.

[101] Burton, History of Scotland viii, 271-274

[102] ibid., 268-269.

[103] Mathieson, Scotland and the Union, p 301

[104] Burton, History of Scotland viii, 257.

been received in Edinburgh by that day;[105] a week later the Lord Provost was asking Dundee for advice as to what had happened at Braemar;[106] and by 13 September news had reached him that Mar with 500 horse and 2000 foot was ready for rebellion.[107] In fact the standard of revolt had been raised on 1 September.[108] Mar's proclamation is of interest. "The late unhappy Union, which was brought about by the mistaken notions of some and the ruinous and selfish designs of others, has proved so far from lessening and healing the difference between His Majesty's subjects of England and Scotland that it has widened or increased them.....Nor can any way be found out to relieve us, and restore our ancient and independent constitution, but by restoring our rightful and natural king...."[109] Mar was joined, at that time or later, by a very large proportion of the Highlands and some Lowlanders north of the Tay. It is significant that many of his own people, of whom a large proportion were Lowlanders, were loth to join his standard and had to be threatened with severe pains before they did so.[110] The two most important clans which did not join the insurgents were those of the Duke of Argyll and the Earl of Sutherland, but the capture of Inverness by "Brigadier"

[105] Lord Provost to Secretary Stanhope, 26 August 1715, Warrender Letters, p 79.

[106] Lord Provost to Magistrates of Dundee, 2 September, 1715, ibid., pp 81-82.

[107] Lord Provost to Secretary of the Admiralty, ibid., p 90

[108] Burton, History of Scotland viii, 260

[109] It is interesting to note that Mar announced the pre-Union Scots duties only were to be enforced. No doubt he hoped this move would gain him many adherents. Harie Maule to Mr Hendry Crawford, 21 Nov., 1715 (Perth), More Culloden Papers ii, 84-85.

[110] Burton, History of Scotland, viii, 262

MacIntosh of Borlum meant that the latter's forces were cut off.[111] Mar, finding Stirling occupied, stationed himself at Perth and so interposed himself between the South and any loyalists along the East coast.[112] There he busied himself with levying money and material for the coming campaign, and in the process let the weeks slip by when more mobile efforts might have paid greater dividends. The truth is that Mar, though a shrewd diplomat and accomplished courtier, was not a good soldier. He apparently expected help from France too, but the Duke of Berwick had refused to command the revolt without the permission of the Regent,[113] and Byng's fleet, together with spirited protests by the British ambassador, prevented much support from reaching Scotland.[114]

Meanwhile Jacobites, mostly from the mountain districts, had been assembling in the south of Scotland under Lords Kenmure and Carnwath.[115] In Northumberland too, a force of about 300 horsemen under one Forster (driven into open opposition by having a warrant issued against him in terms of the act mentioned above) had collected.[116] These troops were to be joined by some forces under the redoubtable Brigadier MacIntosh, who had been detached by Mar to cross the Firth of Forth. About 1600 men succeeded in crossing in small boats and concentrated near Haddington.[117] Edinburgh, which had

[111] <u>ibid.</u>, 263.
[112] <u>ibid.</u>, 276
[113] Mathieson, <u>Scotland and the Union</u>, p 298
[114] Burton, <u>History of Scotland viii</u>, 278-279.
[115] <u>ibid.</u>, 280
[116] <u>ibid.</u>, 295
[117] <u>ibid.</u>, 286

survived a botched attempt to capture the Castle,[118] was thus in serious danger, but a timely message from the Provost Mr Campbell,[119] brought Argyll galloping into the city in the nick of time, After a short stay at Leith, which he had captured, the Brigadier marched south to Kelso where he joined the other two bodies.[120] After considerable squabbling and much against the wishes of the Highlanders, the army marched via Penrith, Kendal and Lancaster to Preston, where it was forced to surrender by Generals Wills and Carpenter.[121]

Simon Fraser, Lord Lovat, now entered the story, He appeared at his clan's headquarters, gathered a considerable force, and then marched to Inverness. There, with the help of certain loyal gentlemen and Duncan Forbes, who had remained to defend Culloden, he collected a body of 1300 men whose appearance was sufficient to drive the small Jacobite garrison out of Inverness. This was a valuable strategic move as it made possible the junction of these forces and the Earl of Sutherland's.[122]

While this had been going on Mar and Argyll had been manoeuvring for the battle of Sheriffmuir. Here a confused struggle occurred, in which Mar's right wing routed Argyll's left while Argyll's right performed the same service for his antagonist's left. Argyll was left in command of the field and Mar withdrew to Perth. A query by the Jacobites as to

118 Lord Provost to Secretary Stanhope and Lord Townsend, 10 Sept., 1715, Warrender Letters, pp 88-89

119 He had just succeeded Warrender.

120 Burton, History of Scotland, viii, 286-290

121 ibid., 297-312.

122 ibid., 312-313.

whether the commander-in-chief was empowered to grant terms received no answer, for the latter's plea for such powers was coldly ignored by the Government. To this scene of disaster was added the arrival of the Pretender. His appearance and actions cast gloom over all who saw him; this coupled with the daily defection of Mar's troops and the steady increase in Argyll's led to a withdrawal from Perth. Soon afterwards the whole army dispersed, the Pretender and Mar proceeding to France in a French ship.[123]

Failure.
General Results. The Rebellion had failed disastrously because of weak leadership and the opposition of the Lowlands. This opposition had centred around civil and religious liberties, as can be seen by examining the Assurance of the Edinburgh Association.[124] It was what had decided the dour Cameronians, much as they hated the English and the Union, to fight against the rebels. Had it been a matter only of the Union few would have been found ready to oppose such a popular nationalistic move. As it was the course events took must have demonstrated as clearly as anyone could wish that Defoe had been right in his estimate of the Kirk's value to the settlement of 1707. Fortunately for the Union the authorities now recognised this fact. "It was, as we shall find, from the epoch of the Rebellion of 1715 that the British Government was awakened to, and acted on, the fact that the Hanover settlement had a great friend in the Scots Presbyterian Establishment, and a bitter enemy in Scots Episcopacy."[125]

[123] ibid., 313-328.

[124] See above, pp ~~129-130~~. 183.

[125] Burton, History of Scotland viii, 339. Episcopacy, as Defoe himself noted, was particularly strong "North by Tay" Tour ii, 806.

Yet the failure in 1715, though it can be seen at this distance to have been the most dangerous test the Union suffered,[126] did not see the end of fierce bitterness and misunderstanding between England and Scotland. Scottish Episcopacy was fiercely persecuted under the Abjuration Oath; the treatment of the rebels captured at Preston (of whom over one thousand were Scottish) was brutally severe; eighty-nine Scots were taken from Edinburgh and tried in Carlisle, but the obvious illegality of the proceeding and the outcry raised against it caused the release of many and the execution of none; later on (1718) an attempt to enforce the treason law in Scotland failed dismally.[127] Duncan Forbes it was who said that excessive harshness would lay the foundation of another revolt.[128] He was wise in this as in so many other things.

Before the rebellion he had forecast came about there was to be a long tale of trouble. Scotland was astonished in June 1716 by the deposition of the Duke of Argyll and his brother Islay.[129] John Forbes wrote to his brother on 29 June telling him of this and explaining that the cause of their downfall was not known, though it was believed to be connected with Argyll's support of the king's son.[130] Many Scots were shocked that the man who, above all others, had helped to crush the Rebellion should be so ignominiously deposed.

[126] Pryde, The Treaty of Union, p 61

[127] Burton, History of Scotland viii, 339, 332-336, 336-337, 337-338.

[128] ibid., 331 quoting Culloden Papers i, 62. Forbes amongst so many other Scots played his part in seeing that, in Scotland, this did not occur.

[129] ibid., 345.

[130] More Culloden Papers ii, 124-125

General Wightman wrote in strong terms to Duncan Forbes indicating that he would "justifie his caracter to the last of (his) power." The Presbyterian General Assembly, determined to vindicate the Duke, prepared a congratulatory address to him, and in spite of attempts to place the name of Cadogan alongside Argyll's, triumphantly passed the address in which Argyll alone was mentioned.[132] The Duke's disgrace lasted until 1719 when he returned to favour. From that time until his death in 1743[133] he and his brother Islay wielded very great influence in Scotland. Up to 1725 this was shared with the Squadrone but on the dismissal of Roxburgh the Argyll family exercised, with Duncan Forbes the Lord Advocate, almost complete control over Scotland[134] until the Marquess of Tweeddale became Secretary in 1741.[135] In 1719 the abortive rising at Glenshiel showed that much dissatisfaction still remained alive,[136] while the attempt to enforce the hated Malt Tax in 1725 raised formidable opposition.[137] Scottish elections and their management had been a constant source of annoyance;[138] then came the Porteous Mob of 1736, followed by a fine of £2000 on the City of Edinburgh when the rioters could not be found.[139] And finally, the Rebellion of 1745.

The early military success of the venture does not hide the fact that Bonnie Prince Charlie's army was at no time as large as Mar's, and that almost to a man the Lowlands refused to support him.[140] Mathieson has pointed out a

[131] ibid., 128-129

[132] Burton, History of Scotland viii, 345

[133] Thomson, Secretaries of State, p 36

[134] Burton, History of Scotland viii, 345-347

[135] See above, p 106.

[136] More Culloden Papers ii, 193-203

[137] See above, p ~~75.~~ 113.

[138] See above, pp ~~68-69~~ 104-105.

[139] Burton, History of Scotland viii, 359-367.

[140] Mathieson, Scotland and the Union, p 365 remarks "it shows how materially Jacobitism had declined in all its strongholds north of the Tay that the 3,200 cavalry which had taken part in the earlier insurrection were represented by only 460..."

particularly significant difference in the royal manifestoes of 1715 and 1745. In 1715 the Pretender promised "to see our just rights and those of the Church and people of Scotland once more settled in a free, independent Scots Parliament, on their ancient foundation....." The Church here mentioned might easily have been the Episcopal foundation. But in 1745 the intention was "not to impose upon any a religion which they dislike, but to secure them all in the enjoyment of those which are respectively at present established amongst them, either in Scotland, England or Ireland; and if it shall be deemed proper that any further security be given to the established church or clergy, we hereby promise in his name that he shall pass any law that his Parliament shall judge necessary for that purpose." The emphasis in these proclamations changed at least partly because Episcopalianism was being rapidly displaced by Presbyterianism north of the Tay.[141] Doubtless the changes occurred too, because even the Stewarts realised how large a part religion had played in their unpopularity. Notwithstanding these manoeuvres the 1745 failed through lack of support.

Two circumstances after this rebellion helped to make Scotland's relations with England less acrimonious. In the first place, although exception was taken to the removal of prisoners into England for trial, only 55 commoners were executed, whilst three out of 43 people of rank attainted by Parliament suffered the death penalty.[142] In general then, retribution may be said to have been on a small scale. Moreover, against the annoyance aroused by the petty banning of Highland dress, must be set the wisdom of the British Parliament in consulting the Scottish Court of Session over the abolition of the hereditary jurisdictions. This was indeed a healthy sign. So many of the common prisoners had amply demonstrated at their trials that it was the power of

[141] ibid., pp 365-368

[142] Burton, History of Scotland viii, 496-8.

their superiors rather than inclination which had caused them to join the revolt, that even though it was in contravention of the Treaty of 1707, the step was seen to be essential. Had it been imposed in English form and with English tactlessness there would certainly have been infinitely more opposition. As it was, the care with which the Court of Session performed its task, and the (to Scotland) valuable compensation given,[143] made the change all the easier to accept.[144] This lenity then, was the first good augury for the future. And, as we have noticed, the middle of the century saw Scotland begin to reap the commercial fruits of the Union on a large scale. This factor, combined with the closer cultural contacts it helped to foster, proved the most powerful means of toning down the Scotsman's hostility towards his English neighbour.

143 About £150,000.

144 Burton, History of Scotland viii, 502-504.

Conclusion

There remains little to add to this consideration of Defoe's connection with Scotland after the Union. One aspect of the affair however, cannot but command attention. Nothing could be clearer than Defoe's attitude towards the Union before its inauguration. The question which must be put is how far that attitude was altered by the practical experiment during his lifetime. As with the Earl of Mar a study of some of the milestones along the way seems likely to provide the best answer.

One of the great advantages Defoe had over the vast majority of his own countrymen was his close personal study of Scotland during the critical time preceding the Treaty and in the years that followed it. This was a priceless asset. Coupled with it was the fact that he was not a mere visitor, parading around the more accesible parts of the country in order to return and write cynical reflections on the Scottish people. The terms of his employment demanded a great deal more than the superficial interest of the tourist.[1] He was there to establish what he hoped would be a lasting system of intelligence. He was also there to get to the bottom of all the problems confronting Scotland and Britain, so that his advice to a far-away government would be penetrating and worthwhile. It was the sort of assignment that particularly appealed to him, and called out the best in him. The early secrecy, the excitement of dangerous times, the religious turmoil, the possibilities of management, the necessity for close and detailed observation, and the feeling that his advice was of the first value to his employer - all these things he revelled in, even if somewhat anxiously at times.

[1] See Introduction.

He was a man who believed in himself. Every now and then we find him apologising for a freedom of expression which he feels might be misconstrued.[2] But he cannot help himself. So many of the problems confronting the Ministry might easily be mishandled and Defoe, in the full flush of confidence, felt he was the best man to see this did not happen. No problem was so complicated that the solution could not be found, and the best solution was his own. The dangers inherent in an outlook of this sort are obvious, but if faith moves mountains, faith in oneself must be counted a valuable weapon.

This trait in his character might have led to disastrous misunderstanding if it had been allied to a blind belief that all things English were better than all things Scottish. Fortunately, and this is his chief claim to grateful remembrance, he soon found himself able to examine difficulties from the Scots point of view as well as the English. His early dealings in the north might have led one to believe that intolerance and bias were going to triumph.[3] But before long he became a trusted confidant of many, especially the ministers of the Kirk,[4] and it is with pleasure that we discover in him a sincere advocate of moderation and a determined supporter of the terms of the Treaty. The time he spent in Scotland was profitably employed in a most important direction: learning to understand the people. This process must have been made a great deal simpler by his own religious opinions.

[2] e.g. Defoe to Harley, 21 May 1707, Hist.MSS.Comm., Portland iv, 412; 17 Jan., 1707, ibid., 383

[3] 29 Oct., 1706, ibid., 343; 16 Nov., 1706, ibid., 352; 26 Nov., 1706, ibid., 358.

[4] 16 Dec., 1706, ibid., 368.

It was a happy circumstance for Defoe that Presbyterianism was the firm base upon which the Union had been built, for his own dissenting views helped to consolidate the ties between himself and the members of the established Church. Perhaps it was not the only, or even the major reason for his insistence on the rights of the Church. That it played its part cannot be doubted.

Defoe then, had put forward all his strength to help accomplish the Union. His letters to Harley and his History show abundant evidence of the enthusiasm with which he devoted himself to arguing in favour of an incorporating union. His anxious fears when matters appeared to be going wrong; his justification of minor alterations in the Treaty in the hopes that they would not be expunged by the English Parliament;[5] and his jubilation at its confirmation, all leave no doubt of his real views. He sincerely believed he was acting in the best interests of both countries. With the Treaty safely passed there would have been excuse enough for anybody to believe that the worst was over. No doubt the Earl of Mar thought so. No doubt Defoe did.

He was in Scotland when the Customs difficulties and the matter of the Equivalent arose. Generations of smouldering hatred were fanned into a bright flame by these examples of what was described as English perfidy. Over the Customs matter Defoe was besieged by ardent Scots whom he had spent so much time convincing that the Union was right. They said, in effect, "I told you so!"[6] His reactions were immediate and they were based on a genuine wish that England should conform to her agreement. Though he believed and hoped that

[5] ibid., 360, 387
[6] ibid., 403

the Scottish merchants would not be made to suffer, he passed a period of considerable anxiety. He held the views put forward by a wise House of Lords: that irregularities must be allowed for the sake of the Union. Neither the Customs troubles nor the late arrival of the Equivalent, though he was critical of the management of both, seriously disturbed his belief in the Union. His attitude towards all the other immediate difficulties which arose showed that, in his opinion the arrangement of 1707 had not been infringed. Even the abolition of the Privy Council was not objected to on the grounds that the Treaty had been broken, but rather because it was inexpedient.

Though there is no direct evidence to prove that Defoe believed the Treason Act was an infraction of the Union, his side-stepping of the issue, coupled with his later objections to the Toleration Act, lead one to think that he probably regarded it in this light.[7] On the Toleration his stand was identical with that of the Presbyterian Church. In discussing this matter he made a most important admission which may be said to reflect fairly accurately his own feelings at the time: "...the ministers," he says, "have been ever since the Union persuaded that their safety depends more upon her Majesty's personal veracity, and pious adhering to her royal word in the assurances given them of her gracious protection, than[8] in any security by the constitution of the Treaty, and this will not only confirm that opinion, which I have always cultivated among them, but further endear her Majesty to them."[9] By 1711 then his private feelings were

[7]See above, p 83.

[8]An assurance that the Queen would protect the Church "in all its just rights". Part of Defoe's sheme to quieten the Church in Scotland.

[9]Defoe to Harley, 2 March, 1711. Hist.MSS.Comm., Portland iv 664-665.

that the Treaty had been broken by the shattering of the Act of Security for the Presbyterian Church. This did not necessarily mean that he felt, as Mar did but for different reasons, that the whole scheme was a failure and ought to be revoked. He did not so quickly throw up his hands in despair.

We have seen Defoe's particular anxiety, immediately after 1707, to show that Scottish trade had appreciably benefited by the Union.[10] By 1710 he was not in much doubt that this assertion had been proved untrue.[11] He proposed practical means of setting the situation right and in so doing made it clear that England was not taking sufficient interest in the welfare of her northern neighbours. Twelve years later his views on the working of the Treaty had clarified and they showed him to be intensely dissatisfied. Being an Englishman he could take a rather more detached view of the situation than the Scots. He would say that time was needed before the full benefits of the Union would come to Scotland; that the people themselves had a lot to learn; that Scotsmen should try to improve their own country rather than move off to others;[12] and that the position was made worse by an absentee nobility who were spending their money in England.[13] But amongst these useful comments he inserted some barbed remarks. The Scottish people could do great things "if they had encouragement." In elaborating on this statement

[10] See above, p 143.

[11] See above, pp ~~104-105~~. 152-153.

[12] Defoe, Tour ii, 690-691

[13] Defoe, Tour ii, 781-787.

he said: "I shall endeavour to show you what it (Scotland) really is, what it might be, and what, perhaps, it would much sooner have been, if some people's engagements were made good to them, which were lustily promised a little before the late Union: Such as erecting manufactures there under English direction, embarking stocks from England to carry on trade, employing hands to cut down their northern woods, and make navigations to bring the firr timber, and Deals to England, of which Scotland is able to furnish an exceeding quantity; encouraging their fishery, and abundance of fine things more which were much talk'd of I say, but little done; and of which I could say more, but it is not the business of this work, nor,[14] perhaps, will the age care to hear it, at least, south by Tw..."

These are serious reflections. They show that Defoe had gone some distance along the road which Mar himself had trod. Naturally he would not advocate such stern measures, because in any case, unlike Mar, he still believed in the Union. The difficulties Scotland was experiencing were only temporary ones. Because he had embraced their cause, he felt a large measure of the mortification and frustration that they felt. He might even have speculated as to whether he had been quite fair to Mr Hodges in their memorable battle over federal or incorporating Union.[15] Mention has been made of Hodges' belief that the type of union eventually decided upon meant that Scotland was at the mercy of the British Parliament.[16] In adopting this attitude he was taking the view generally accepted now. But if the Scots as a whole had believed this contention there would have been no Union. Their reactions to any changes made other than those specifically provided for makes this clear.

Certain parts of the Treaty of Union made arrangements for future alteration. For instance Article VI, on the

[14] ibid., 690-691

[15] Defoe, History, p 97; Defoe to Harley, 23 Nov., 1706, Hist. MSS.Comm. Portland iv, 356

[16] See above, p 27.

prohibition of trade with Ireland "until more proper and effectual ways be provided by the Parliament of Great Britain" obviously looked to the adoption of different methods at a later date. Article XV, insofar as it related to the Privy Council, fell into the same category. On the other hand Article XV (heritable jurisdictions) laid down in no uncertain terms that there should be no tampering with this particular provision, and the Act of Security for the Presbyterian Church provided that the system was "to continue without any alteration to the people of this land in all succeeding generations." There was therefore ample justification for these men who believed that certain parts of the Treaty were to remain untouched for ever.

This was the view taken by Mar himself, otherwise he could not have alluded to the lessening of the peers' jurisdictions by the abolition of the Privy Council as a breaking of the article.[17] Yet it is only fair to the other school of thought to record that Mar was inconsistent. He had no compunction about supporting the Toleration and Patronage Acts, both of which went contrary to the Act of Security for the Church. Examination of Defoe's attitude towards this question reveals that he himself believed that certain parts of the Treaty were sacrosanct. His carefully prepared arguments on the new Justices of the Peace were designed to show that the terms of union had been strictly observed.[18] But the best example of these views is to be found in his discussion of the religious question. The Church Act of Security, he remarked was "supposed, believed, and intended to be effectual against any such thing (toleration)."[19] After all it was only by insisting that certain provisions were unalterable that he had been able to pour scorn on Hodges.

[17] Article XV.

[18] See above, pp ~~34-36~~ 54-57.

[19] Defoe, History, p 30

As matters have developed, however, it has become increasingly obvious that the original Scottish view has not prevailed. Pryde gives an imposing list of reforms carried out since 1707 which have abrogated a large part of the Treaty.[20] Their wide effect he describes. It has been "to strike out from the Treaty all the items relating to ship registration, specific customs and excise duties, the Equivalents, the Scottish mint, weights and measures, Court of Exchequer, Privy Council, and parliamentary elections." To these may be added the heritable jurisdictions, privileges of royal burghs and the drastic alteration of almost the whole of Article XIX.[21] Only fourteen out of the original twenty-five articles have survived either in whole or in part.[22] Yet many of these changes, notably the abolition of the hereditary jurisdictions and the changes in Parliamentary representation, have been carried out with the consent of the majority of Scotsmen. There can be little doubt that the lack of rigidity so obviously a part of the constitution as it has been interpreted, has proved one of its most valuable assets. One generation cannot bind its successors to an implicit obedience of rules which may in time become outmoded or unworkable. In spite of this one cannot help sympathizing with the Scotsman who felt that the British Parliament was the last body to be entrusted with his life and liberty, and who tried his utmost to avoid this by means of the Treaty, But in the end it was the only feasible system. Once the Edinburgh Parliament had been destroyed its British counterpart was a sovereign body.

[20] Pryde, The Treaty of Union, pp 73-74

[21] Scottish Law Courts.

[22] Pryde, The Treaty of Union, pp 74-75

Should the Scots Parliament have been retained? The answer of Defoe in 1707 was unequivocal. "It must be a general, compleat, intire and indissolvable Union...."[23] He made no other answer, even though the introductory remarks to his Tour show that he felt Scotland was being ill-used by England. Yet it is worthwhile to examine the possibility of such a federal arrangement.

In the first place practical federation was the product of a later age; in the next England was unalterably opposed to it. The token resistance of the Scottish Commissioners to an incorporating union,[24] showed that they saw there could be no agreement if they insisted on the federal solution. Any discussion of such an arrangement is therefore pure speculation. From the Scottish point of view the retention of their Parliament to deal with all internal matters was clearly the best solution if any sort of union was to be brought about. There was indeed one Ridpath who drew up a workable scheme with this in mind. Mathieson points to him as the only one who committed the details of a federal solution to paper. Ridpath believed

that "things of joint interest such as allegiance peace and war, communications and mutual support of trade, should be managed by deputations from the Scottish to the English Parliament, and when the Parliaments were not sitting, by a Council of Trade similar to the Committee of both Kingdoms which existed during the Great Civil War; and he proposed to retain the Scottish Parliament for the following purposes: (i) to make and amend municipal law; (ii) to determine appeals from the Court of Session; (iii) to call to account judges and officials; and (iv) to be surety to the people of Scotland that the articles of the Union should be observed. On great occasions the two legislatures were to unite."[25]

[23] Defoe, History, p 102.

[24] Lockhart, Memoirs, pp 205-209.

[25] The words are Mathieson's, Scotland and the Union, p 121. Citing Ridpath, Considerations on the Union of the two Kingdoms, pp 41, 51.

But this was a clumsy and ineffective sort of arrangement containing at least one potentially very dangerous clause: that appointing the Edinburgh Parliament a "surety" for the observance of the treaty. Particularly was this true because of the renewed life and vigour of a violently nationalistic Scots Parliament.[26] The length of time which a federal union on that basis would have lasted is not open to a great deal of doubt. Early difficulties would inevitably have arisen as in fact they did under the incorporating scheme; but they would have been fatal to the union. Fear of the attitude of the Edinburgh Parliament had dictated that the Treaty of 1707 should first be passed there.[27] Even then the struggle had been a hard one and the margin between success and failure not very great. Defoe's anxiety that certain amendments should be accepted by the English Parliament[28] showed that he felt a return of the treaty for further consideration by the Northern Assembly would probably involve failure. So the federal solution, as its authors doubtless intended, was not in the realm of practical politics. Its proposers during that last session knew that its acceptance would break the Union.[29]

It seems pointless therefore to delve deeper into the federal idea, though some might argue that Defoe's criticism of absenteeism on the part of the nobility implied that he would have welcomed an attraction to keep them in Scotland. A federal Parliament might have performed this task admirably. But there is no hint that any such idea ever occurred to him. As far as absenteeism was concerned the nobility were to blame, not the system.

[26] See above, pp ~~14-15~~ 26.

[27] Pryde, The Treaty of Union, p 24.

[28] Defoe to Harley, 28 Nov., 1706, Hist.MSS.Comm., Portland iv, 361.

[29] Defoe, History, p 232.

That is not to exclude federation for all time. Mackenzie in particular puts forward the strongest pleas in its favour;[30] Mackinnon also has the idea much in mind;[31] probably the best and most balanced discussion of it is to be found in Pryde.[32] He shows how far modern changes have gone towards satisfying the needs of local government. There remains much more to be done in this direction, and the arguments in favour of a decentralized system become ever more potent as the state arrogates to itself more and more of the burden of administration. But the truth appears to be that the Scottish Nationalist Party has made a very poor showing in general elections, and that, even though the Scots people as a whole may feel dissatisfaction with certain aspects of the system, their feelings are not yet strong enough to demand a radical change.[33]

In spite, then, of the British Parliament's blunders in the first decade of its existence, in spite of the many reasons Scotsmen have had over the last 250 years for the resentment that arises out of injustice; in spite of the grievances that still remain: it cannot be doubted that the Union of 1707 has hitherto proved a remarkable success. It put an end, albeit tardily, to the ruinous wars between England and Scotland, enabling them to achieve greatness together. Also tardily, but in accordance with Defoe's predictions, it brought great economic advantage to the northern partner, thus achieving one of its primary objects. Except in so far as Patronage was concerned, it did not deal drastic blows to the Church of Scotland. And most interesting of all, it did not destroy Scottish nationality. Indeed, as

[30] Scotland in Modern Times.
[31] The Union of England and Scotland
[32] The Treaty of Union, pp 68-79
[33] ibid., pp 72-73

a direct result of the Act of 1707, Scottish nationality has emerged as a more closely integrated and less clannish force whose vitality is beyond doubt. As a great and courageous experiment the Union has justified the men who made it possible. Perhaps it would not be pitching things too strongly to say that, if all Englishmen had adopted towards it the attitude Defoe took up,[34] justification would have come a great deal sooner and many of the dangerous antagonisms which smouldered for so long might have been quenched before they had done any serious harm.

[34] Defoe, Review, v (April 1709). In the Preface to this number quoted in The Best of Defoe's Review (Ed. William L. Payne), 174 Defoe complains strongly of the English attitude to the Union. "...It seems you gentlemen in England were more solicitous to bring the Scots into a Union than you are to pursue the vital principles of that in which alone the happiness of both kingdoms consists. I must confess, and I speak it to your reproach, the temper you showed of uniting when first you put the wheels to work to form the Union seemed to me quite different from what you show now it is done - as if your politic ends being answered, you were diligent to discover that you did not unite from any true design of general good, but for your private advantage only. Thus you seem now united to Scotland, but not one jot more united to the Scots nation. And do not call this slander, gentlemen, for I can give you but too many instances of it, though I spare you for the present, my desire being to heal, not exasperate. But this I cannot omit, how have you permitted insolent scribblers to abuse, reproach, and insult the established Church of Scotland, slander the very nation, and insult her judicatories in print....."

Bibliography.

1. Printed Primary Material.

Hist. MSS. Comm. Calendar of the MSS. of the Marquis of Bath (Longleat). Vol. i. London, 1904.

Hist. MSS. Comm. Supplementary Report on the MSS. of the Duke of Hamilton. London, 1932.

Hist. MSS. Comm. Laing MSS. Preserved in the University of Edinburgh. Vol. ii. London, 1925.

Hist. MSS. Comm. MSS. of the House of Lords (New Series).
Vol. vii (1706-1708). London, 1921
Vol. viii (1708-1710). London, 1923.
Vol. ix (1710-1712). London, 1949.

Hist. MSS. Comm. MSS. of the Earl of Mar and Kellie. Vol. v. London, 1904.

Hist. MSS. Comm. MSS. of the Duke of Portland (Welbeck).
Vol. iv. London, 1897.
Vol. v. London, 1899.
Vol. vi. London, 1901.
Vol. vii. London, 1901.
Vol. viii. London, 1907
Vol. ix. London, 1923.
Vol. x. London, 1931.

More Culloden Papers. (Ed. Duncan Warrand). Vol. ii (170 -1725). Inverness, 1925.

A Selection from the Papers of the Earls of Marchmont in the Possession of the Right Honourable Sir George Henry Rose, 1685-1750. 3 Vols. London, 1831.

Seafield Correspondence, 1685-1708 (Second Series). (Ed. James Grant. Scottish History Society). Vol. iii. Edinburgh, 1912.

Lord Seafield's Letters (Second Series). (Ed. P. Hume Brown, Scottish History Society). Edinburgh, 1915.

Warrender Letters. Correspondence of Sir George Warrender Bt. Lord Provost of Edinburgh, and Member of Parliament for the City, with relative papers 1715. (Ed. William Kirk Dickson, Scottish History Society). Edinburgh, 1935.

2, Contemporary Narratives.

Joseph Addison, The Works of the Right Honourable Joseph Addison. (Ed. Henry G. Bohn). Vol. v. London, 1885

Daniel Defoe, The History of the Union between England and Scotland with a collection of original papers relating thereto. London, 1786.

Daniel Defoe, A Tour thro' the whole island of Great Britain. Vol. ii London, 1927.

Daniel Defoe, An Unpublished Political Paper. (English Hist. Review Vol. xxii, No. 85, January 1907).

Daniel Defoe, Sundry papers in The Best of Defoe's Review (Ed. William L. Payne). New York (Columbia University) 1951.

Daniel Defoe, The Novels and Miscellaneous Works of Daniel Defoe. 7 Vols. London, 1887-1899.

Daniel Defoe, Sundry papers in Masters of Literature - Defoe. (Ed. John Masefield). London, 1909.

James Hodges, The Rights and Interests of the two British Monarchies with a special respect to An United or Separate State. Treatise iii. London, 1706.

George Lockhart, Memoirs Concerning the Affairs of Scotland from Queen Anne's Accession to the Throne to the Commencement of the Union of the Two Kingdoms of Scotland and England in May, 1707. London, 1714.

3. Secondary Material.

Bibliography of British History Stuart Period, 1603-1714. (Ed. Geoffrey Davies). Oxford, 1928.

Thomas Bateson, The Relations of Defoe and Harley. (English Hist. Review Vol. xv, No. 58. April, 1900).

P. Hume Brown, History of Scotland. Vol. iii. Cambridge, 1911.

P. Hume Brown, Surveys of Scottish History. Glasgow, 1919.

J. Hill Burton, The History of Scotland. Vols. vii, viii. Edinburgh, 1897.

Keith Feiling, History of the Tory Party 1640-1714. Oxford, 1924.

Norman Gash, Politics in the Age of Peel. London, 1953.

I. F. Grant, The Economic History of Scotland. London, 1934.

S. H. F. Johnstone, The Scots Army in the Reign of Anne. (Royal Hist. Society Transactions (Fifth Series) Vol. iii. 1953.)

Andrew Lang, The End of an Auld Sang & A Romantic Plot against the Union, from The Union of 1707, A survey of Events by Various Writers. Glasgow, 1907.

Agnes Mure Mackenzie, Scotland in Modern Times 1720-1939. London, 1941.

James Mackinnon, The Union of England and Scotland. London, 1907.

James Mackinnon, The Country Party and the Act of Security & The Act of Security and its Effects, from The Union of 1707. Glasgow, 1907.

Alexander Macrae, Scotland since the Union. London, 1908.

W. Law Mathieson, Scotland and the Union. A History of Scotland from 1695 to 1747. Glasgow, 1905.

W. Law Mathieson, The Church and the Union & Statesmen of the Union, from The Union of 1707. Glasgow, 1907.

George S. Pryde, The Treaty of Union of Scotland and England 1707. London, 1950.

Robert S. Rait, The Scottish Parliament, from The Union of 1707, Glasgow, 1907.

G. D. Ramsay, The Smuggler's Trade: A neglected Aspect of English Commercial Development. (Royal Hist. Society Transactions (Fifth Series) Vol. ii. 1952).

E. S. Roscoe, Robert Harley Earl of Oxford. London, 1902

Mark A. Thomson, Secretaries of State 1681-1782. Oxford, 1932.

Mark A. Thomson, A Constitutional History of England 1642-1801. Vol. iv. London, 1938.

George Macaulay Trevelyan, England under Queen Anne. (Blenheim: Ramillies and the Union with Scotland; The Peace and the Protestant Succession). London, 1945, 1946.

A. S. Turberville, The House of Lords in the Eighteenth Century, Oxford, 1927.

W. R. Scott, The Constitution and Finance of English, Scottish and Irish Joint-Stock Companies to 1720. 3 Vols. Cambridge, 1911,1912.

W. R. Scott, Scottish Industry before the Union & Scottish Industry
after the Union, from The Union of 1707. Glasgow, 1907.
Report of the Committee on Scottish Financial and Trade Statistics.
Edinburgh, July, 1952.
Francis Watson, Daniel Defoe. London, 1952.

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